The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. JONES. Mr. Speaker, I ask unanious consent to extend my own remarks in the RECORD and to include a poem written by a constituent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PATRICK asked and was given permission to revise and extend his own remarks in the RECORD.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Thursday, December 26, 1940, present to the President, for his approval, bills of the House of the following titles:

H. R. 8665. An act to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis.

H. R. 10098. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920.

ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 25 minutes p. m.) the House, in accordance with its previous order, adjourned to meet on Thursday, January 2, 1941, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2086. Under clause 2 of rule XXIV, a letter from the Secretary of the Interior, transmitting a report on all operations and disbursements in the adjustment of claims under the act known as the War Minerals Relief Act, was taken from the Speaker's table and referred to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SMITH of Virginia: Special Committee to Investigate the National Labor Relations Board. Report pursuant to House Resolution 258. Resolution creating a select committee to investigate the National Labor Relations Board (Rept. No. 3109). Referred to the Committee of the Whole House on the state of the Union.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9418. By the SPEAKER: Petition of the Kosciusko Rotary Club, Kosciusko, Miss., urging consideration of their resolution with reference to sabotage, un-American and subversive activities in this country; to the Committee on Rules.

9419. Also, petition of the Houston Lions Club, Houston, Tex., urging consideration of their resolution with reference to the Un-American Activities Committee; to the Committee on Rules.

9420. Also, petition of the city of Dallas, Tex., urging consideration of their resolution with reference to Federal income tax; to the Committee on Ways and Means.

9421. Also, petition of the Washington Committee for Democratic Action, Washington, D. C., urging consideration of their resolution with reference to House bills 10703 and 10709; to the Committee on the Judiciary.

9422. Also, petition of the International Association of Chiefs of Police, Washington, D. C., urging consideration of their resolution with reference to the national emergency; to the Committee on Military Affairs.

9423. Also, petition of the American Legion, Henry H. Houston 2d, Post No. 3, Germantown, Philadelphia, urging consideration of their resolution with reference to un-American activities; to the Committee on Rules.

9424. Also, petition of the Galveston Chamber of Commerce, Galveston, Tex., urging consideration of their resolution with reference to the Great Lakes-St. Lawrence seaway and power project; to the Committee on Foreign Affairs.

SENATE

THURSDAY, JANUARY 2, 1941

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God most high and wonderful, before whose mind the past and future meet in our eternal now, while we are but creatures of shifting time, to whom the past is soon forgotten, from whom the future is completely veiled: Forgive our frenzied, ineffectual strivings, the crushing cares brought on by lack of vision as we attempt to hurry on the dawn or thrust unhallowed hands across the pattern Thou art weaving.

And now, like men of old, direct our search to the simple things of life, to the open books of nature and the human heart, that we may find freedom and the truth at the feet of Him who kept His heart unaged through all His years of earthly life, and who liveth now forevermore, Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, December 30, 1940, was dispensed with, and the Journal was approved.

CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of DENNIS CHAVEZ, duly chosen by the qualified electors of the State of New Mexico a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of DAVID I. WALSH, duly chosen by the qualified electors of the State of Massachusetts a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

Mr. NEELY. Mr. President, I present the credentials of Hon. HARLEY M. KILGORE, United States Senator-elect from West Virginia, and ask that they be filed and noted in the RECORD.

The credentials of HARLEY M. KILGORE, duly chosen by the qualified electors of the State of West Virginia a Senator from that State for the term beginning January 3, 1941, were read and ordered to be filed.

AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The PRESIDENT pro tempore laid before the Senate two letters from the Secretary of War, reporting, pursuant to law, relative to divisions of awards of certain quantity contracts for aircraft, aircraft parts, and accessories thereof entered into with more than one bidder under authority of law, which were referred to the Committee on Military Affairs.

SPECIAL REPORT OF THE FEDERAL RESERVE SYSTEM

The PRESIDENT pro tempore laid before the Senate a letter from the chairmen of the Board of Governors and the Conference of Presidents of the Federal Reserve System and the president of the Federal Advisory Council, submitting a special joint report by the Board of Governors of the Federal Reserve System, the presidents of the Federal Reserve banks, and the Federal Advisory Council relative to the monetary organization of the United States, which, with the accompanying report, was referred to the Committee on Banking and Currency.

PETITIONS AND MEMORIAL

The PRESIDENT pro tempore laid before the Senate a petition of sundry citizens of Cleveland, Ohio, praying for the enactment of legislation to guarantee full salaries, less the service pay, to Government employees while serving in the Army, which was referred to the Committee on Military Affairs.

He also laid before the Senate letters in the nature of petitions from Alfred M. Kunze, of New Rochelle, N. Y., praying that the Congress fully exercise its constitutional prerogatives, which were ordered to lie on the table.

Mr. GREEN. I present a resolution of the City Council of Cranston, R. I., relative to the Federal taxation of municipal bonds, and ask that it be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolved, That Federal taxation of municipal bonds would cause an increase in interest rates on future municipal borrowings and any increase in interest rates would be an additional burden upon property owners in each city or town and also breaks down the whole constitutional theory of State and municipal sovereignty; and be it further

Resolved, That this city council go on record as opposing any legislation that may be presented to the Congress of the United States subjecting municipal bonds to Federal taxation; and be it further

Resolved, That the mayor be authorized to send a copy of this resolution to the Senators and Representatives from Rhode Island.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that today, January 2, 1941, that committee presented to the President of the United States the following enrolled bills:

S. 4085. An act for the relief of Max von der Porten and his wife, Charlotte von der Porten;

S. 4227. An act for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch; and

S. 4415. An act to amend the act entitled "An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof," approved June 25, 1910.

ADDRESS BY SENATOR WHEELER ON FOREIGN POLICY

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD a radio address on foreign policy delivered by Senator WHEELER on December 30, 1940, which appears in the Appendix.]

ADDRESS BY JOHN R. STEELMAN ON CONCILIATION AND DEFENSE

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an address delivered by Hon. John R. Steelman, Director, United States Conciliation Service, before the National Association of Manufacturers on December 12, 1940, which appears in the Appendix.]

EDITORIAL FROM SATURDAY EVENING POST—AND AMERICA

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an editorial from the Saturday Evening Post of the issue of January 4, 1941, under the heading "And America," which appears in the Appendix.]

PARTICIPATION BY SCHOOLS IN INAUGURATION

[Mr. NEELY asked and obtained leave to have printed in the RECORD a letter addressed to him by Hon. Joseph E. Davies, chairman of the inaugural committee, relative to the proposal to hold patriotic ceremonies throughout the schools of the Nation in connection with the inauguration of the President of the United States, which, together with suggestions for school programs, appears in the Appendix.]

EDITORIAL FROM GREELEY (COLO.) BOOSTER ON WAR, BANKRUPTCY, AND DICTATORSHIP

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an editorial from the Greeley (Colo.) Booster of Friday, December 27, 1940, under the heading "War, Bankruptcy, Dictatorship," which appears in the Appendix.]

AMERICAN PARTICIPATION IN EUROPEAN AND ASIATIC WARS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article from the Washington Times-Herald of today entitled "We Want War and So We Are Going To Have It," which appears in the Appendix.]

DIGEST OF IMPORTANT LEGISLATION OF THIRD SESSION OF SEVENTY-SIXTH CONGRESS

[Mr. MINTON asked and obtained leave to have inserted in the RECORD a digest of important legislation of the third session of the Seventy-sixth Congress, which appears in the Appendix.]

EDITORIAL COMMENT ON ADDRESS BY THE PRESIDENT

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD editorials from the New York Herald Tribune, the Washington Post, the New York Times, and the Baltimore Sun on the address by the President on Sunday, December 29, 1940, which appear in the Appendix.]

TEAMWORK IN NATIONAL DEFENSE—ADDRESS BY SENATOR BARKLEY BEFORE LOUISVILLE BOARD OF TRADE CONFERENCE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by him at the Louisville Board of Trade Conference, Louisville, Ky., on January 1, 1941, which appears in the Appendix.]

CHRISTMAS EVE ADDRESS BY SENATOR LEE

[Mr. LEE asked and obtained leave to have printed in the RECORD a radio address delivered by him on December 23, 1940, which appears in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a joint resolution (H. J. Res. 623) to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 4085. An act for the relief of Max von der Porten and his wife Charlotte von der Porten;

S. 4227. An act for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch;

S. 4415. An act to amend the act entitled "An act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof," approved June 25, 1910;

H. R. 7965. An act for the relief of Mr. and Mrs. T. G. Ramsey; and

H. R. 10712. An act to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.

REPORT OF COMMISSION FOR CELEBRATION OF THE BIRTH OF THOMAS JEFFERSON

Mr. BARKLEY. Mr. President, I ask unanimous consent for the present consideration of the House joint resolution just announced regarding the celebration of the birth of Thomas Jefferson.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the joint resolution (H. J. Res. 623) to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson was read twice by its title.

The joint resolution was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. BARKLEY. Mr. President, there is on the calendar no legislative business which we will take up at this time. As I announced at the last session, I desire to have considered the nomination of Mr. Madden to be a judge of the United

States Court of Claims. The matter was held up, as we all know, because of the absence of a quorum. I am advised that a quorum of the Senate is in the city, if any Senator desires to insist that a quorum be present when that nomination is under consideration.

I wish, while I am on my feet, to say that when we conclude our business today it is my purpose to move that the Senate recess until 11 o'clock a. m. tomorrow in the regular Chamber of the Senate, which will be ready for us. There may be some unfinished matter that ought to be considered in the last minutes of this expiring Congress. For that purpose, I shall move a recess until 11 o'clock and merge right into the regular session, which will meet at 12 o'clock.

INVOLVEMENT OF AMERICA IN EUROPEAN WAR

Mr. HOLT. Mr. President, I inquire if the Senator from Kentucky intends to move an executive session? I desire to make a few remarks.

Mr. BARKLEY. I stated that I would move an executive session.

Mr. HOLT. Will the Senator permit me to speak first?

Mr. BARKLEY. It does not matter to me. Perhaps the sooner the Senator makes his remarks the better it will be.

Mr. HOLT. Mr. President, the President of the United States on last Sunday delivered a fireside chat. He discussed dictatorships, but I cannot find any reference to Soviet Russia. The foreign policy of the President of the United States is war. He knows it; the people do not. It is a process of getting us into war gradually. But now let us look at the difference he drew between Russia and Germany. Why does he draw a distinction between these countries? I shall tell you.

It is said, look at Germany, she invaded Poland. She did, but so did Soviet Russia. The difference was that Russia waited until Poland was on her knees.

It is said, Germany went into Belgium, Holland, and Norway. She did. But so did Russia go into Finland.

It is said, look at Germany; she occupied Austria and Czechoslovakia. She did, but so did Russia occupy Latvia, Lithuania, and Estonia.

It is said, look at the dictatorship control of the subjects of Germany. Certainly that is not a pleasant thing for those of us who believe in democracy and freedom, but can we say that Russia is any better so far as dictatorship is concerned?

But, it is said, Germany has a dictator in Adolf Hitler. So she has, but Russia has a dictator in Joseph Stalin.

Then it is said we are in danger over here because Hitler has written a book called Mein Kampf in which he says he wants to rule the world. I do not agree with that interpretation, but admit it for the sake of discussion; has not Lenin, has not Stalin, and have not all other Russian officials proclaimed their desire for a world revolution, the day of control of communism?

What is the choice between the doctrine of world revolution of Lenin and the doctrine of Hitlerism in Mein Kampf? But the President does not discuss Russia. Hypocritically, he dodges Russian dictatorship, and then becomes very pious when he discusses the dictatorship of Germany.

He says, "But Germany forces labor." So she may, but would you call the forced labor of Russia any better than the forced labor of Germany?

They say, "If Germany wins, she is an enemy of capitalism," and then they refer to what Hitler was supposed to have said at the arms-factory speech. I did not like Hitler's speech at the arms factory; neither did I like Molotoff's speech, or Stalin's speech, or many of the speeches of Lenin in the past. They are all opposed to our system. Why did the President endeavor to distinguish between them? They say Germany is the enemy of Christianity. There are churches in Germany today, although I do not like the pressure put upon any person's religion, because I believe every man has the right to worship God as his conscience dictates; but where are there any churches in Russia today?

The President becomes very indignant at Germany's attack on Christianity, but he can sit by and praise Russia, the known opponent of Christianity.

Oh, such hypocrisy! That is the only name that can be applied to it. What is the difference between the dictatorship of Germany and the dictatorship of Russia in world conditions today? Just two things: First, Germany is fighting England. Russia is not. What else is happening? Germany is a factor against England in world trade. Russia is not. Those are the two answers to why a difference and distinction is drawn by the administration between Russia and Germany—first, because Germany is fighting England; second, because Germany is becoming a factor in competition for world trade.

Show me a charge made by the President against Germany, and I will duplicate it many times in Russia. But, oh, no. Russia is in bed; and England, through Winston Churchill and through Franklin D. Roosevelt, is pulling at the sheets, trying to get into bed with Russia, because the English think it will help them. If we are to destroy dictatorship in the world, as the President indicated in his fireside chat he hopes to do, is he going to stop when Germany is defeated, if she be defeated? Or shall we continue to accept the theory that dictatorship is an enemy of our Government, and continue to fight it in Russia? You know what will happen? You know that this war will stop the day England's fight against competition in world trade is done away with. We have no cause for war with either. The policy of this Government from the beginning until this change has been that the people of a country shall have the right to determine their own government. We have no authority to pass upon all governments of the world.

American boys are to be sent once again, in the next session of Congress—to Europe. Thank God, it was not done in the session which is about to close. They are to be sent over there. You know it, and many people of this country know it. The boys are to be sent over there to engage in another needless, senseless war, not to destroy dictatorship, but to preserve the balance of power and protect world trade.

Mr. LEE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Oklahoma?

Mr. HOLT. I yield to the Senator from Oklahoma.

Mr. LEE. I believe the President, in his last address, made reference to talk about sending expeditionary troops abroad, and I believe that language he used was that such talk was an untruth.

Mr. HOLT. I want to say to the Senator from Oklahoma that the President has made many statements, such as the statement that he was going to balance the Budget; that he was going to cut expenses 25 percent; that he was going to do this and he was going to do that. I can name a hundred of them. What did he do? Just the opposite. Oh, no; I would rather determine what the President is going to do by his actions rather than his words.

The President said what was stated by the Senator from Oklahoma but you just wait and see what the President will do.

Let me read to you today from a column in the Times-Herald this morning about that very matter. This is what it says in talking about the reaction to the President's speech at the British Embassy:

> In fact, they feel sure there that the President didn't say more because the moment wasn't ripe yet.

Not now; it is not ripe yet. Then here is what the newspaper says, quoting a diplomat:

> It may be different in 2 weeks. Then wait to see Mr. Roosevelt give the punch line.

What is the punch line? American boys. Oh, yes; and the article quotes certain members of our own diplomatic corps. What does it say?

> They thought it was a prelude to war.

Yes; it was a prelude to war, and I am not afraid to stand here and say that the President of the United States wants war; take it or leave it. The policy of the President of the United States has been toward war from the day this war

began. I hope the Foreign Relations Committee of the Senate or the House, if they deem it wise, will look into the background of American diplomats in Europe preceding this war, and they will find a startling story, a story that may be finally written in the blood of American boys and the destruction of our democracy.

Every time we start talking about that type of an investigation the administration get the jitters, because they know that behind the scenes, with the discussion of William C. Bullitt with Mr. Mandel, to be exact, with Mr. Reynaud, to be exact, was what the United States would do if France got into the war to back up England on the Polish issue; and that is why Reynaud, in desperation when the French troops were on their knees, called out for fulfillment of the promise that had been made; and history will write it, whether you want to admit it now or not. Whether you want to admit it now or not, history will write it. This much of the start of this war has its blame on the present administration of the United States of America. Much of the continuation of this war is due to the administration.

The President says that those who want peace are tools of the dictators. Everybody knows that that statement is maliciously false. I want peace, and I do not like dictators anywhere, be they foreign or domestic. No; what we want is to save America; we want to save it from European power politics.

Why are we going into this war, if we go in? Let me tell you three or four reasons:

First, the President failed to solve the domestic issues. He failed to bring about the prosperity he guaranteed. Therefore he accepts war economy, which he called "fool's gold" in his speech at Chautauqua in 1936. Remember? I wish, when he delivered his fireside chat last Sunday, he had made the same speech he made at Chautauqua, N. Y.

The second main reason why we are going in is because of the international bankers; the international investors want to protect their profits. As ex-Secretary of War Woodring said:

> There is a small clique of international financiers who want the United States to declare war and get into the European mess with everything we have, including our manpower.

The stake is their investment, and they have enough pressure to force this terrible decision.

Many of these were the individuals the President called "economic royalists" a short time ago, but who are now welcomed into the President's conferences when they support his policy of intervention. A short time ago they were dangerous enemies to good government, according to the President, but now he proclaims their devotion to democracy, liberty, and justice.

Did you know that the pious New York Herald Tribune has directors who are interlocked with companies making ammunition with which to kill? You may not have known that. Did you know that was true of the Boston papers also? Did you know that the Chicago Daily News has on its directorate men who are making profits out of the death of boys somewhere? I could continue to cite more of the press who try to say their interest is democracy, but I do not wish to take the time of the Senate.

The English propaganda machine, never asleep, has been spending millions of dollars and has been successful in its contribution to war. Remember the boast of Northcliffe of spending millions for the last one? The President spoke of an unholy alliance, and I do not bow to the President or to anyone else in my love of democracy and my hatred of dictatorship; but I wish to say that if America does go into the war—and God forbid—it will be an unholy alliance of politics with profit. That will be the unholy alliance. But the President says nothing of that.

I wish to make this statement clear: I charge the present administration with partial blame for the beginning of the war. I charge this administration with much blame for the continuation of the war, and I charge this administration with blame for involving America in a needless war.

The President said that the Axis Powers are not going to win. Perhaps not. I should like to see a negotiated peace, because I know that, no matter which side wins in an all-out war, we are not going to have a fair peace treaty written either by Hitler or Churchill. Neither one will write a benevolent peace treaty. We will have a treaty worse than the Versailles Treaty. It will mean another war soon thereafter.

But the President said the Axis Powers are not going to win. Following that to a logical conclusion, what does it mean? Does it mean that if England is being whipped, or is about to be whipped, the United States is going to throw its manpower in to save her? Following the statement to its logical conclusion, we can get nothing else out of it. If material will not win the war, once we accept such a course of action, will not men be sent? If the Axis Powers must be defeated, as the President said, and England cannot defeat them, where will our country enter, and when? The President's speech commits us to a policy of war, and war is not waged without soldiers.

They say it is "our war." "Our war" can lead to but one conclusion. If it is our war, our money will finance it and our soldiers will fight it.

I want Senators to think back on these steps. What were the steps? The British said, "Just give us the right to buy goods. That is all we want." That right was given. Then they came back and said, "Just give us some of your obsolete equipment. That is all we want." That was done. Then they said, "Give us some of your equipment," leaving out the word "obsolete," and that was done. Then they said, "Give us 50 destroyers. That is all that is necessary to tip the scales. That is all we want." And that was done. Then they said, "Just give us some of your flying fortresses, and that is all we will ask." That was done. Now they say, "Just give us credit." Tomorrow they will say, "Just give us the boys," and the day after they will say, "Give us a declaration of war."

We will furnish the money with which to buy the munitions; we will furnish the men to use them, and we will get just what we got in the last war. We will not help democracy in their war. We will perhaps destroy the last democracy on earth. Democracy was the battle cry in the last war. But democracy was not saved. Do you believe Europe was fighting for democracy then?

I wish to say to the Members of the Senate who will serve in the next session of Congress, when Congress will be confronted with this situation, to listen to the words of Johnny in Johnny Got His Gun. Senators remember Johnny, do they not? They remember him—a mere shell of a man—a man with a helpless torso. You remember him. You remember that his arms and his legs and his eyesight were gone, and part of his face was gone. He is one of the boys who was sent forth to save the world for democracy 23 years ago. I quote from the book:

> Let me out of here, let me out. I won't give you any trouble. * * * Take off my nightshirt and build a glass case for me and take me down to the places where people are having fun, where they are on the lookout for freakish things. * * *
>
> I am the dead-man-who-is-alive. I am the living-man-who-is-dead. * * * I'm the man who made the world safe for democracy. * * *
>
> Believe it or not, this thing thinks and it is alive and it goes against every rule of Nature, although Nature didn't make it so. You know what made it so. Look at its medals, real medals, probably of solid gold. * * * It stinks of glory. * * *
>
> Take me wherever there are parliaments and diets and congresses and chambers of statesmen. I want to be there when they talk about honor and justice and making the world safe for democracy, and 14 points, and the self-determination of peoples. I want to be there to remind them I haven't got a tongue to stick into the cheek I haven't got, either.
>
> Put my glass case on the Speaker's desk. * * * Then let them speak of trade policies and embargoes and new colonies and old grudges. Let them debate the menace of the yellow race and the white man's burden and the course of empire. * * *
>
> But before they vote * * * before they give the order for all the little guys to start killing each other, let the main guy rap his gavel on my case and point down at me and say, Here, gentlemen, is the only issue before this house, and that is, are you for this thing or are you against it?

I hope the Members of the Senate at the next session of the Congress, before they vote for war, will go out to the hospitals and see the shell-shocked veterans passing through a living death, before they send boys once again to save the

world for democracy. I say to America, this is not a war for democracy; this is another battle for the balance of power in Europe. This is another war for the control of trade.

I should like to see dictatorships wiped from the earth, but I am not willing to establish dictatorship in my country, a country where my ancestors have lived for almost 300 years, in hope of destroying a dictatorship somewhere else. Our entrance in this war will not eliminate dictatorships. They have their roots in the destroyed economic and social orders of countries. War breeds, not destroys, dictators. The last war, a war called one to save the world for democracy, utterly failed in its stated aim and, to the contrary, created systems of government absolutely contrary to the rule of the people. It is not because certain officials fear dictatorship from the world that they have taken their course of action. It is the best excuse to excuse their actions.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. GILLETTE. Just a few moments ago the Senator from Oklahoma called the attention of the Senator from West Virginia to a reputed remark of the President of the United States, and if I understood correctly it was said the President had stated that any reference or statement to the effect that there was any intention to send an American expeditionary force abroad was a deliberate untruth. I understood the Senator from West Virginia to agree that that was said.

Mr. President, I think that in a matter of this moment the President should be quoted correctly.

Mr. HOLT. I agree with the Senator.

Mr. GILLETTE. If the Senator will permit me, I will read from the CONGRESSIONAL RECORD what the President of the United States said:

> You can therefore nail any talk about sending armies to Europe as deliberate untruth.

Mr. HOLT. Mr. President, I am glad the Senator from Iowa has drawn attention to the distinction between armies and men. There is many an American mother who has a son who is a sailor. But it is said, "Mr. Stephen Early said he did not mean it." If the President did not mean it, why does not the President say so instead of Mr. Stephen Early saying it? "Mr. Stephen Early said so." It was spoken from the citadel, and therefore was accepted as true. There is many an American mother who has a son who is a pilot in the air force.

Armies? Yes; but Mr. Stephen Early said he did not mean that. I say to the President of the United States, "What did you mean? I ask you publicly."

I know the battle that is on, and my colleagues know, too. It is a battle to keep out of war, and there is but one answer. Are you for it or are you against it? If you are for war, you should have the decency to vote for a declaration of war instead of trying to have our country fight an undeclared war, an act of dishonor.

What is the policy of this administration? What did Governor Lehman and Harry Hopkins do at the national convention in Chicago? They tried to have adopted a weasel-worded platform pledge against going to war, which meant nothing to the American boys, and were defeated by the Senator from Montana [Mr. WHEELER] and others.

Let us meet the issue squarely. What is the policy of the administration? When I say this I am not applauding the wrongs committed by the belligerent which the President discusses. Not at all. What is the policy? It is to continue to direct acts against that belligerent until it makes an overt incident against us, and then to say that American property was destroyed, American boys were killed, and the American flag was despoiled, and into the war we will go to protect our honor. The policy is to put a chip on our shoulder and furthermore to go right into the battle and say, "Come on, knock it off."

If we are going into the war, let us be honest. Let us be honorable. Let us not slide in or slip in. For myself, be I a Senator or not, I am against sacrificing American boys on the blood-drenched soil of Europe. That is what the policy of this administration will lead to.

I know some Senators think I should not say this because it may hurt me politically; but, thank God, my conscience is clear today. I have wanted to say these things because I believe them. This is no time to use nice words. This is no time to dodge. This is no time to think of what is wise politically. This is the time to save American boys from a needless grave. This is the time to speak for America. I have said things before that some Senators did not like, but I have told the truth. My conscience and my judgment tell me today that America is on the road to war, and that there is only one way to stop it. That is for the American people to stop it. But the American people are not consulted in plunging this Nation into the holocaust. They will pay the penalty in treasure, in blood, and in death, and democracy will not be saved in the world by our entrance into the war. I want the next session of Congress to save America from Americans who would destroy it in a war in Europe.

REFUGEES FROM EUROPE AND ASIA

Mr. DAVIS. Mr. President, in these days when the horrors of war are forcing great hosts of innocent men, women, and children to seek refuge from the disasters that have overwhelmed Europe and Asia, our attention goes increasingly to those who have come to our own shores. Many of these have unusual contributions to offer because of their brilliant intellect and genius. I ask unanimous consent to have printed in the RECORD as a part of my remarks an editorial from the Philadelphia Inquirer of December 30, 1940, which mentions the names of a number of eminent persons who have sought our country as a refuge in recent years.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer of December 30, 1940]

BRILLIANT REFUGEES OUR GAIN

Better than all the gold that has poured from harried and fearful Europe into the dark vaults under Fort Knox, America has received immeasurably valuable gifts from Adolf Hitler, Benito Mussolini, and even grim Joe Stalin.

They are the brilliant refugees—the men of science; the musicians, the artists, the dreamers; the writers; the great thinkers of Europe, flower of her hard-won civilization in this age; a long roll of splendid minds and earnest hearts.

This comes to mind as the United States prepares to open its doors to 1,000 or more new refugees who, for religious or political beliefs, have been forced to flee repeatedly from Hitler and his kind.

From Einstein, retreating early before the brutal, oppressive, and, later on, murderous racial theories of the Nazis, to Maeterlinck and Jules Romains, fleeing Belgium and France before Hitler's hordes, the United States has already received a large number of the most notable men and women in the world.

It is only necessary to mention a few of those in the recent wave who came from France, Belgium, and other countries swept by Nazi forces, and others who have shifted to the United States since 1933, to understand why.

A recent group includes Romains, French author; Maeterlinck, aged Belgian poetic dramatist, famous for The Blue Bird; Henri Bernstein, dramatist also, author of an anti-Nazi play that made his escape a fortunate thing for himself; Andre Giraud (Pertinax), Mme. Genevieve Tabouis, journalists; Pierre Lazareff, former editor of Paris Soir; and Andre Maurois, distinguished biographer. An older list includes Thomas Mann, German writer and Nobel prize winner. A mailing list of Nobel prize holders of recent years would find many marked, "Gone to the land of the free."

The list of musicians of importance, among many others with prospective or unfolding claims to greatness, takes in Bruno Walter, conductor; Lotte Lehman, Paul Hindemith, and Arnold Schonberg, composers; and the Russian-born French citizen, Igor Stravinsky.

Heinrich Breuning, former German Chancelor, is a professor at Harvard, whose faculty likewise includes Walter Gropius and Marcel Breuer, architects; Martin Wagner, noted Old World city planner; Werner Jaeger, equally noted scholar of the classics.

James Franck, physicist, who gained the Nobel prize, is at the University of Chicago. With him are Eduard Benes, Bruno Rossi, also a famed physicist; Guiseppe Borgese, novelist; Ulrich Middeldorf, art teacher. Some others in American colleges include Otto Marburg, former Viennese neurologist, and Fritz Lehmann, economist.

These names of world-wide significance by no means tell the whole story, for here in the University of Pennsylvania and at other colleges nearby and throughout the country there are men and women who are intently pursuing study and research in university laboratories and classrooms; in hospital clinics. Safe in a free country, they are going on with the great tasks of their lives, whatever they may be.

No doubt we have gained some unpleasant and dangerous cargoes of immigrants, some of whom came or were sent to this country because it is free and they were given a mandate to undermine that freedom.

But these others—these leaders of thought and knowledge and achievement—also have come to the United States because it is free and because here their great gifts will not be repressed.

They and those seeking to follow them repeat in a striking sense old phases of our history as a haven to exiles from oppression and darkness in the Old World. The waves of their predecessors, Carl Schurz and the rest, made America greater.

These coming now seem to point to the promise of a saner age that will yet save the best in civilization and with it human freedom.

IDEAL LABOR LEADER

Mr. DAVIS. Mr. President, I wish to call attention to a notable editorial from the pen of Dr. Charles Stelzle in the Trades Union News, for December 27, 1940, entitled "Ideal Labor Leader." This is a most interesting interpretation of Moses, who led the children of Israel from bondage. It makes clear how necessary experience and character are at all times and among all people if human life is to be uplifted. We need more men like Moses—men whose souls have been disciplined through long years in the difficult tasks of life, and yet who have not lost the high vision which beckons them to lead to freedom and victory the people from whom they come. I ask unanimous consent to have this editorial printed in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IDEAL LABOR LEADER

(By Dr. Charles Stelzle)

Moses was the great labor leader who delivered from cruel bondage millions of Israelites who were slaves in Egypt. He might well serve as an example for the modern labor leader. The development of such a leader is always a slow process. For in the labor movement there is so much at stake, and there are so many interests involved, that the raw enthusiast cannot be entrusted with the power.

Enthusiasm there should be, but it must be enthusiasm founded upon intelligence, knowledge, and self-control. It required long years of solitude in the land of Midian to transform the hot-blooded Moses, the adopted son of Pharaoh's daughter, into the modest Moses whose name has become a synonym for meekness. "Learned in all the wisdom of the Egyptians," nevertheless he needed the solitary, deep-thinking life of the shepherd on the hillside to prepare him for the great task of leading out into liberty the slaves of the Egyptian ruler.

He came, too, with the consciousness of sure victory because he knew that his cause was just. But, more than that, he was confident because he came in the spirit of a strong moral faith. This emancipation in which he was about to lead was more than an economic deliverance dependent upon brute strength and the ability of a mere man to exercise unusual power. He had back of him the Omnipotent God of Abraham, of Isaac, and of Jacob, the forefathers of the afflicted Israelites.

The qualities that were so conspicuous in Moses must be found in the modern leader. He must be of the people, for he must understand their needs. He must have had an experience which sobered him, so that he is familiar with the deeper, truer things of life. He must depend not so much upon his speech as upon his character. He must have the power which can come alone through the consciousness that his cause is just, and that back of him, too, as He was back of Moses, stands the God of the common people, who is saying through him, "Let my people go."

I have become convinced that the most valuable element in public life is that which holds to what is worth holding to in the legacy of the past, but is always prepared to seek out the good in the new. Again and again I have come to see the truth of this point of view. We require the balance of the old and the new, the tried and the untried, the accepted, and the ideas not yet become a part of tradition, if we are to find the fullness and the highest glories of life. Particularly we need men of experience as well as of experiment in our public life in this country today.

THE UNITED STATES AND THE WAR IN EUROPE

Mr. LEE. Mr. President, I believe no man my age has championed the cause of peace more vigorously, ardently, and sincerely than I. Of course, it never befits any of us to doubt the sincerity of any of the rest of us. We differ only in judgment, not in sincerity.

As I see it, America has only one chance to escape total war. Our only chance of escaping a baptism of blood is England. Today England is the only barrier which is holding back the greatest raging flood of war that has ever been organized and centralized on the face of the earth; and if that dam breaks, America will have war, but we shall have it with the odds heavily against us. It is because I do not want to see any more "Johnnies" in a glass case, as described by the Senator from West Virginia [Mr. HOLT], that I believe we should exert every means within the scope of our announced policy to keep England afloat in order to prevent a baptism of blood for America.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TAFT. When the Senator says "every means," does he mean to the extent of going to war if that seems to be advisable?

Mr. LEE. I do not believe that it is necessary to explain my statement. It was rather clear. I was speaking in support of the administration's policy of material aid to England, and that policy has never included going to war. On the contrary, it offers the only practical chance of escaping war.

Mr. TAFT. The Senator said "every means," and I wanted to be certain that every means included going to war.

Mr. LEE. The Senator understands English. I do not advocate going to war. I advocate enough material aid to England to keep her from falling. We have not advocated sending men, but materials. England's critical need has never been for men, but materials. The Senator may be ready to put a wrong interpretation upon what I say, or to find some single phrase at which to jump. But I have never and do not now advocate going to war. I am trying to prevent war from coming to us. The Senator understands English. I never implied a declaration of war. I was speaking of aid to England within the meaning of our present foreign policy, which does not include going to war.

Mr. TAFT. I understand English. When the Senator says he is in favor of adopting "every means" to prevent the defeat of England, as I understood him to say, I take it that would necessarily include going to war if that seemed to be a necessary or desirable means to prevent the defeat of England. I think that is a reasonable conclusion. I do not think I am putting any words in the Senator's mouth. I merely wanted to be sure that that was the proper conclusion to be drawn from his statement.

Mr. LEE. Mr. President, we have seen other countries listen to the same kind of talk and reasoning that we have heard here today. Those countries are even now in blackened ruins, with charred buildings, and many new graves, or else they are in slavery with their manpower working at the point of Gestapo pistols. The heavy 70-ton tanks that did much to break the Maginot line last May were manufactured in the plants of Czechoslovakia by once free Czechs who were willing to die for liberty; but they were working at the point of Gestapo pistols. If England falls, then, shipbuilding capacity six times greater than that of the United States will be in the hands of Hitler. He will have a combined navy many times larger than our own. He will have the French, British, Italian, Norwegian, and German Navies, and not a battleship between him and 42,000 miles of American coast line. What would stop him? When his own people are eating black bread mixed with many substitutes for bread, when they are on rations for food, and the richest treasure of all America, with surplus grain and surplus meat and surplus gold is within reach, do you think, Mr. President, that the master mind who planned and executed the most diabolical military scheme in all history would hesitate for a moment to head for South America and Central America where he would be received with open arms? No, we had just as well face the facts.

Other nations listened to the decoy ducks. I like to hunt ducks, but I never hunted with live decoys. Hunters used to tie their live decoys on a pond, and then let them, with their quacking, decoy their fellows to a death trap, just as the quackings of the appeasers today would decoy America to a death trap.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. LEE. I yield.

Mr. BARKLEY. The Senator from Oklahoma gave expression to a sentence a moment ago which I feel probably he would not want to remain unmodified. I refer to the

statement or the implication that if Hitler came across to the Western Hemisphere he would be received by open arms in South and Central America. I think that a statement of that sort ought to be qualified, because I am sure the Senator does not mean that there would be such a reception by the governments of those countries.

Mr. LEE. I did not mean by the governments.

Mr. BARKLEY. I am sure the Senator means by certain elements in South America who may be friendly to the Hitler theories.

Mr. LEE. Exactly, and I thank the Senator, because I did not have that in mind any more than I had in mind to say that I favored going to war when the Senator from Ohio [Mr. TAFT] tried to put that implication upon my statement.

Mr. CHAVEZ. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from New Mexico?

Mr. LEE. I yield.

Mr. CHAVEZ. Further clearing the statement referred to by the Senator from Kentucky, neither the governments nor the peoples south of the border of the United States are inclined to fall for any program that may be of any benefit to the Axis Powers. However, in those countries, just as in this country, and in England, there might be some forces that would like to see that thing happen.

What I want to make clear is this: Of course, we are apt to blame any country in South America because some foreigner makes trouble within the country, but I venture to say that there are probably more "fifth columnists" in the United States than there are in any Latin American country south of the border.

Mr. LEE. That may be; there are plenty of them in South America and too many in North America. The Nazis and Communist networks are ready, upon the signal of the defeat of England, to spring to the front and with a little aid from Germany start a revolution; and German aid would be ready just as it was in Spain.

Mr. CHAVEZ. Mr. President, will the Senator yield further?

Mr. LEE. I yield.

Mr. CHAVEZ. According to a more authentic source, the information furnished by the Dies committee, there are plenty of them here within the United States.

Mr. LEE. I do not know about that; I take their statement at face value that there are some; it would be unusual if there were not.

Now, here is one "fifth columnist" who is not in the United States but is sending his stuff to the United States to be printed here. Mr. Carl H. von Wiegand was pro-German in the World War. He has written an article for the Times-Herald of December 29, 1940, which gives the most clever argument I have heard for supporting the peace offensive that has been launched lately. If Dr. Goebbels himself had written it, it could not have been more cleverly done, nor could it have been more helpful to the Nazi cause. His arguments are very clever. He uses statements such as this:

> High American naval officers I've talked with on this tour expressed themselves cautiously as puzzled and even disturbed that Washington, while pursuing a course which may easily lead to war in the Pacific in the coming year, is nevertheless giving Britain priority on planes, ships, and matériels needed by our own Army and Navy if war came suddenly.

That, of course, is the stock argument of the appeasers, that we should keep our aid at home; and he implies, although he does not give any high American naval officer's name, that he has been advised by them that they do not approve our policy of aid to England. Every step the United States has taken with respect to aid to England has been upon the advice of naval and military authorities of this Government. He is hazy about the source of his advice, but he reiterates the argument that it is highly dangerous to our own position that materials of war should be shipped from this country. He carries out the Nazi propaganda to the *n*th degree.

Then after the President's speech he came back with this headline, "Talk dooms early peace, Orient holds," and he gives just as cleverly a worded "fifth columnist" argument as can be found anywhere.

I say that many sincere people in America believe that we should follow a certain route of maintaining peace. I do not question their sincerity any more than I question the sincerity of the decoy ducks out there whose quackings lead the other ducks, their fellows, to a death trap; but I say to you, Mr. President, the same road led countries of Europe to their death. Norway listened to it; Denmark listened to it; Belgium, Luxembourg, and Holland listened to it. If they had united their forces against Hitler they could be having peace and security in Europe today. But they lost their liberty because they listened to the same doctrine from the appeasers which we are asked to follow today. The appeasement offensive was launched in those countries just as it is being launched in this country today, when the appeasers told the Government and people of Norway, "Do nothing, because if you do something, that will get you into war." They did nothing. They got not only war but subjugation. In Belgium they said, "Do nothing or you will get into war." They did nothing, and Belgium got into war. They are making the same argument in this country, "Do nothing, or you will get into war."

To do nothing today means as certain war for the United States as it meant for Belgium and Holland and Norway and Poland and Czechoslovakia and Austria, and as it is meaning war for Rumania today; and they would have us stand back and see England fall, the last barrier between Hitler's troops and American youth. The only barrier that is holding back Hitler's hell divers today is a few youths handling Spitfires, handling Hurricanes; and every time one of those eagles of England falls with a broken wing there is one less champion of liberty in the world. Every time there is another Coventry there is one less citadel of liberty in the world, and the surge of war is just that much closer to America.

So far as I am concerned, England has paid her debt. She has paid it in blood, in the blood of her own youth, and she is giving us time to arm. Why, if England falls today, how well prepared are we? Hitler has more soldiers in a sideshow marching through Rumania today than we have in arms in the United States; and yet there are those who would say to us that we should stand back and let England fall, the only barrier between America and war. They hold themselves up as champions of peace, and would brand those of us who support that one dam which is holding back the flood of war as warmongers.

Yes, England is fighting. We need not be afraid the English are going to surrender the materials which we send them. They have given us the best hostages any nation can give. They have sent their own flesh and blood to America as hostages that they will fight. There has been no indication that England will not use the materials we send to her to hold back this flood tide of war.

Why, when the Germans scuttled the *Graf Spee* the British Lord of the Admiralty said:

> If that had been a British man-of-war she would have gone down with her colors flying and her guns blazing.

Another British lord said the English people would rather die on their feet than live on their knees. That is what they are fighting for; and now we have a peace offensive, telling us to ask England what she is fighting for, and to ask Germany what she is fighting for.

Go to the blackened ruins of Poland and ask those people what they fought for. Go to France, prostrate in slavery, and then ask England what she is fighting for. Go to Belgium, where their countryside was left strewn with helpless victims of Hitler's "blitzkrieg" and then ask England what she is fighting for. Go to every place that has been blighted by the touch of Nazi force and ask England what she is fighting for. They would have us weaken England by saying, "You give up and quit."

Hitler is virtually at war with America today. He is making war on us economically now. He is making war on us politically now. He is against everything we stand for. He is making war on us in every sense except in a military sense.

Only one step remains for him to be making war on us in a military sense, and that step is to defeat England. He would like to have us fall for the old chloroform he used on the other nations of Europe when he said, "You stay off. I am a friend of yours. Divide and conquer"; and he wants us to fall for that, as the little democracies in Europe fell for it.

I do not challenge the sincerity or patriotism of any of my colleagues who disagree with me, but I do challenge their judgment. You have been on the wrong side all the time.

First, there was the clarion statement that rang through the land when you said, "There is not going to be any war." There was war, and you were wrong.

Then came the next one: "The war in Europe is a phony war." It is not a phony war, and you were wrong.

Then you said that Norway and Denmark had not been in war for over 100 years and neutrality would keep them out of this war, and you were wrong again.

You have been wrong every step of the way. Hitler has broken every promise he has made, and, so far, he has kept every threat he has made. He said he would dominate this country. He said he would have storm troopers in America that degenerate Yankeedom could not challenge. He said as to South America, "We shall build another Germany there." Are we, by the policy of inaction and delay, going to lose the one and only chance we have to protect the blood of American youths from the "blitzkriegs" of Germany?

Suppose it takes wealth; it is cheaper than the blood of American boys. Everybody knows that if England stands America will not be in war, and everybody, whether he admits it or not, I believe down in his heart knows that if England falls there will be war for America. I believe the man who advocates all possible aid to England is the real, true champion of peace, and I believe the man who opposes aid to England and asks to place our faith in neutrality is a decoy who would lead America to the same fate which befell the democracies of Europe. They placed their faith in neutrality and refused to join forces against Hitler, and where are they now? Mr. President, that road leads to war, and those who advocate that America follow it, sincere and innocent though they be, are decoying their fellows to a death trap.

We cannot have peace by simply denouncing war. It takes two to make peace, but only one to make war. We can follow a good-neighbor policy only so long as other nations follow a similar good-neighbor policy. But when war ceases to be a placid lake which you can plunge into or stay out of at will and becomes a raging flood which threatens to engulf the world, then the choice is not merely peace or war: it is one of danger or less danger—and the one of less danger is to maintain the only barrier that stands between us and that raging torrent. Therefore aid to England offers less danger of war than to let England fall and us face the axis alone.

I thank the Senate.

Mr. MINTON. Mr. President, the President was misquoted, and the President was partially quoted. I am sure the RECORD ought to state what the President said in its true significance.

The A. E. F. was not made up merely of armies, of soldiers, as we understand that term. The A. E. F. was made up of armies, of soldiers, of sailors, of the naval forces, and the air forces. All those forces constituted the expeditionary forces. I think, for the sake of the RECORD, we ought to have in it, in order that there may be no quibble about it, what the President said, and what I think cannot be misunderstood by anybody who wants to be fair about the matter—and I am sure most of us do.

This is what the President said, in its entirety, in that paragraph:

> There is no demand for sending an American expeditionary force outside our own borders. There is no intention by any member of your Government to send such a force. You can, therefore, nail any talk about sending armies to Europe as deliberate untruth.

I think the statement, when read in its entirety, would be understood by any fair-minded person to mean an expeditionary force which would include the armed forces of America.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 623) to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson, and it was signed by the President pro tempore.

AUTHORITY TO SIGN ENROLLED BILLS, ETC.

Mr. BARKLEY. Mr. President, I ask for the adoption of the resolution which I send to the desk.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 341) was read, considered by unanimous consent, and agreed to, as follows:

> *Resolved*, That notwithstanding the final adjournment on expiration of the Seventy-sixth Congress, the President of the Senate be, and he is hereby, authorized to sign any enrolled bill or joint resolution duly passed by the two Houses and which has been examined and found truly enrolled by the Committee on Enrolled Bills of the Senate; and the Secretary of the Senate be, and he is hereby, authorized to receive any message from the House of Representatives, subsequent to said adjournment, relating to business of the Seventy-sixth Congress.

SERVICE OF SENATOR KING AS PRESIDENT PRO TEMPORE

Mr. BARKLEY. Mr. President, when we conclude our business for the day I assume we will recess until some hour tomorrow, before 12 o'clock. It is my understanding that at the session tomorrow the Vice President will be present and presiding, and this is the last day on which we will meet in this historic Chamber. I do not wish to indulge in any fulsome remarks about the pleasure it has afforded us to meet here for a number of weeks in the historical setting which constitutes this Chamber.

I wish to express a personal word of appreciation to the senior Senator from Utah [Mr. KING], who has presided with such dignity and fairness and ability during the recent weeks during which he has been the President pro tempore of the Senate. Inasmuch as he will not preside after today, I assume, I wish to send forward a resolution and ask for its present consideration and adoption.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The legislative clerk read the resolution (S. Res. 342), as follows:

> *Resolved*, That the Senate expresses its appreciation of the courtesy, fairness, and impartiality shown by the President pro tempore, Hon. WILLIAM H. KING, Senator from Utah, in the performance of his duties as Presiding Officer, and tenders him its sincere thanks.

Mr. BARKLEY. Mr. President, I assume the privilege of putting the question, and I ask all Senators who favor the resolution to rise.

[The Senators present rose.]

Mr. BARKLEY. The resolution is unanimously adopted, and I congratulate the President pro tempore, and I am sure I speak for all the Members of this body when I say that we wish him long life, happiness, and prosperity in whatever field he may enter.

The PRESIDENT pro tempore (Mr. KING). To my dear colleagues, it is needless to say that I greatly appreciate the manifestations of confidence and good will of Senators as expressed in the resolution presented by the distinguished Senator from Kentucky [Mr. BARKLEY]. I am grateful to him for his gracious words of commendation and esteem. I avail myself of this opportunity to extend to my colleagues my sincere thanks for the high honor bestowed upon me in selecting me for this position of trust and responsibility—a position which has been held by many eminent men from John Langdon in the First Congress to Key Pittman, our lamented friend and colleague whose passing we deeply mourn.

I will soon surrender my commission as your Presiding Officer and likewise the commission given to me by my beloved State of Utah. For a quarter of a century I have had the honor of representing my State in this great legislative body, and have appreciated the opportunities afforded me

of associating with distinguished and able statesmen representing the States of our Nation. Many of those with whom I have associated in this legislative body, after years of service and fidelity to their country have gone to their great reward; others still remain, giving important and valuable service to their country; but a very few—only six—of those who were in the Senate when I entered it in 1917 remain. It would have afforded me satisfaction if opportunity had been presented to place in the RECORD my high regard, and, indeed, affection, for those who have been Members of this body during the quarter of a century that I have been a Member of it.

Our country in every period of its existence has been fortunate in having patriots and statesmen who have served their country in the Senate of the United States. Their memories will be cherished and the contributions which they have made in behalf of their country will ever be remembered by a grateful people.

In leaving this body I extend to my colleagues my sincere thanks for the many courtesies which I have received at their hands; for their uniform kindness and consideration; and for the many evidences of their friendship. In leaving the Senate I am assured of a continuation of their regard and esteem, and I shall now and in the future cherish the many evidences of our associations. And to those who will soon enter upon service in this body I extend felicitations and congratulations. They will have important duties to perform and will be called upon to meet heavy responsibilities.

I am particularly appreciative of the unfailing kindness of the Democratic leader, Mr. BARKLEY. He has been considerate and in many ways has evinced his friendship for me.

I regret that the minority leader, the Senator from Oregon [Mr. MCNARY], is temporarily detained from the Senate. For nearly a quarter of a century we have been colleagues and friends. For him I entertain a very high regard.

In my service in the Senate I have discovered that political differences do not affect friendships. Lasting friendships are here formed between persons of different political and economic views, and Senators, in departing from the Senate, carry with them the good will and esteem, not only of those of the political party to which they belong, but also those who are members of different political parties.

The Senate of the United States from the organization of this Republic has played a highly important part in our Government.

It is more than a legislative body, and it performs duties highly important for our country in every sphere of governmental activity.

It is not necessary for me—and the occasion would not warrant—to enlarge upon the vital part which the Senate plays in our constitutional system. It is sufficient to say that it has met the responsibilities which have devolved upon it, and vindicated its claim as an indispensable and vital part of our organic system. In my opinion those who believe in liberty—in constitutional government—in the essence and spirit of democracy, will acclaim the Senate of the United States as one of the greatest—if not the greatest—single legislative body that is to be found in any government. In using the words "legislative body," I include those functions of the Senate which some may claim are not purely legislative. But the Senate has justified the esteem and statesmanship of the founders of this Republic, who provided in the Senate a body essential for the safeguard of American institutions and for the political welfare of the people. While its purely legislative duties are vast, it has important responsibilities in dealing with treaties and appointments to public service. The Senate has been and must be, in the discharge of its responsibilities, courageous and independent, jealous of its prerogatives and of the just powers with which it is endowed.

In this period of world disorder this Republic is called upon to occupy a place of influence and power. The conflicts in other parts of the world will produce repercussions in this Republic—which is dedicated to peace and liberty—and waves of war which are beating against the foundations of most governments may not regard the Western Hemisphere, including this Republic, as immune from their attacks. But we know that whatever storms may arise, this Republic, favored by a divine Providence, will be protected and preserved from all assaults from evil forces, and, standing upon the glittering heights of the New World, it will prove a beacon light to the downtrodden and oppressed of other lands and will inspire them to meet all the forces of wrong and oppression with courage and undying faith.

The principles of democracy which are recognized in this Republic are not subtle or mysterious. They are fundamental and eternal and adapted to all conditions and climes and to the various changes in human institutions. They are concerned in human freedom, in the liberation of the mind and the soul and the body of man from every form of tyranny and oppression. They seek the emancipation of the mind of man from moral or spiritual servitude and demand his freedom from every form of slavery or despotism.

The founders of this Republic recognized the divinity of man and sought to provide conditions, political and economic, wherein freedom would be enjoyed and justice and equal opportunities be afforded to all persons.

The most precious possession of democracy is that of personal and individual liberty; indeed, the essence of democracy is liberty. Mazzini stated that—

> Democracy is the progress of all, through all, under the leadership of the best and the wisest.

The founders of this Republic believed that moral and spiritual forces obtain in human conduct, and should govern human relations, and that out of the disorder and confused conditions of society, ultimately a reign of order, peace, justice, and liberty would be the inheritance of man. They believe that the future belonged to the people, and through education and religion and intellectual and moral development, good government would be enjoyed by all and civil, political, and religious liberty be the inheritance of mankind. They believed in the existence of the fundamental principles of justice, founded not only in reason, but in divine law; and, so believing, they believed in the competency of the people to govern themselves. President Wilson stated that he believed in these things; he believed in the democracy not only of America but of all other people that wish and intend to govern and control their own affairs.

But there are dark clouds in the world today that shake the faith of many in the future of democracy. Despots and dictators abound; war, cruel and relentless, exists in the world, and some nations and peoples give themselves to the destruction of the fine things of life; of the precious treasures—material, moral, and spiritual—which have come down from the past. Democracy proclaims not only spiritual salvation but the temporal salvation of man, and emphasizes the view that man's salvation comes from himself. Governments can aid but the Kingdom of Heaven, as well as the making of liberty, lies within the human soul. The success of democracy rests upon the breadth of its base. Henry George stated that:

> Society is not safe if the social and political pyramid rests upon its apex.

Democracy, to be successful, presupposes not alone political and civil equality but a high state of intellectualism. Democracy lives not in dungeons but in the full glare of the sunlight. It is hammered out upon the anvil of experience through the intellectual processes, and where there is freedom of thought and speech each one must be a factor.

These generalizations are offered because of the conflicting forces in our own land. The challenges which are being made to economic and political policies to world conditions cast their shadows over this Republic. In this hour of what I have called confusion, it is in my opinion important that the American people should feel that they are part of this world, and that world conflicts affect and indeed menace our institutions. In my opinion there are problems of greater magnitude which our country will be called upon to meet than those which confronted our Nation during the period of the World War. There are, of course, differences of opinion as to the danger to democratic governments, including this Republic, but I entertain the view that there are threatening conditions

in many parts of the world which do and will affect our economic condition, our peace, if not our security. The world is on fire as I have indicated, and we may not escape the conflagration. This is a period when unity is required among the American people. I am sure that those who love our country, experience concern as to the future, and desire to pursue a course which will make for peace and for the preservation of this Republic. We may not see eye to eye in all matters, but I believe that deep down in the hearts of the American people there is a feeling that we are not immune from all dangers, and that whatever steps are necessary to be taken shall be taken to preserve constitutional government and democratic institutions.

This is a time for unity, a united purpose to defend democracy.

I desire to pay tribute to the President of the United States who in this period of confusion and danger is discharging the responsibilities resting upon him with honor, and a sense of fidelity to the Constitution, and to the best interests of the American people. He is, as I have indicated, a man of honor, a sincere Christian, and is devoted to the maintenance of democratic institutions and the preservation of this Republic. He desires peace as much as any other person in our country, and will exercise the authority of his high office for the promotion of peace and for the welfare and happiness of the American people; and in so doing he will make contribution as far as possible to world peace, and for the welfare of the peoples of the world.

I hope I may be pardoned for making these observations. They are, in part, due to the fact that criticism has been leveled against the Chief Executive. I repeat that the responsibility resting upon him, as well as the Senate and the House of Representatives, is and will continue to be very heavy—greater, as I have indicated, than that which rested upon the executive and legislative branches of the Government at any period in the past.

I sincerely hope that a divine Providence which inspired the founders of this Republic and guided it in its younger days will look upon the people not only of this Republic but of the world, in mercy and compassion and will mitigate their sorrows and pour out the spirit of peace and fraternity so that the dangers and evils that beset the world may be banished and the dawn of a new day come when the blessings of peace and love may be visited upon all peoples.

I entertain the belief that peace and justice and liberty were designed by the Eternal Father to be enjoyed by all of His children, and that He looks with compassion upon their sufferings, and is ready and willing to pour out blessings of peace and happiness to peoples everywhere who seek Him.

Mr. AUSTIN. Mr. President, we of the minority have been happy spectators of all that has occurred in the glorification of the great service of the President pro tempore of the Senate, the distinguished senior Senator from Utah [Mr. KING]. I think it is proper for me to say, assuming that I act for the minority in doing so, that we will miss all those colleagues of ours, on both sides of the aisle, who are terminating their service for the country at this time. On our side of the aisle we are losing distinguished statesmen whose absence will be greatly regretted.

There is a special appropriateness in recognizing the termination of so great a service and so long a career as that of the distinguished Senator from Utah [Mr. KING], and for the minority I wish him a happy future, and the continuation of his great service to his fellow men.

PROPOSAL OF FEDERAL RESERVE SYSTEM AGAINST INFLATION

Mr. TOWNSEND. Mr. President, the Federal Reserve System is to be highly commended for its splendid unanimous special report to the Congress on the subject of anti-inflation precautions. To adopt and implement the suggested course will be to take a long step in the direction in which we ought to move without further delay. The prompt adoption of the plan by Congress should go a long way to allaying public fears of currency and credit inflation.

Without in any way detracting from the praise which the present plan deserves, I wish to point out that in my opinion it should go at least one important step further. The report makes it crystal clear that the source of any present concern about possible inflation is the huge pile of excess reserves in the Federal Reserve System, which excess reserves the plan aims to reduce. Yet the conspicuous fact implied throughout, yet not specifically mentioned in the System's special report, is that the existence of these excess reserves is due to our national policy of buying all gold and silver offered from whatever sources, foreign or domestic, and converting it into reserve money.

In other words, the System's report to Congress seeks to deal with the effects, yet leaves in operation the ultimate cause of our monetary headache. By adopting the System's plan the monetary effects will be ameliorated, but the economic cost of our bullion policies is left to burden us.

One most obvious step to take is to stop buying gold and silver, at least from countries against which we are in other ways spending millions and millions to bring economic pressure. It ought to be thoroughly understood by the public that any device for sterilizing the inflow of gold and silver from such countries not only involves a continuing cost to us but—and this is far more important—it puts millions of dollars into the hands of such countries to use in waging aggressive war against other countries or to spend here in "fifth column" activities.

The special report of the Federal Reserve System would remove nearly all the emergency monetary powers bestowed by Congress on the administration in 1933 and 1934, or by subsequent extensions. Doubtless through oversight the System's plan makes no mention of the President's power to revalue our silver by reducing the legal content of the standard silver dollar. The present monetary stock of silver in this country is valued at more than $4,000,000,000. By making a 59-cent silver dollar, as he now has the power to do, the President could issue more than $2,760,000,000, unless that power, too, is removed. And the $2,760,000,000 would also be reserve material.

There is also the power of the administration to arrange for the sale to the Federal Reserve banks of $3,000,000,000 of Government securities. This power, too, is unnecessary and should now be repealed.

Finally, no mention is made in the special report of the domestic-silver program. If there is no monetary need to monetize foreign silver, there can be no monetary need to monetize domestic newly mined silver. To omit treatment of that subject is an inconsistency in an otherwise splendid report. A country that needs to bend every ounce of energy toward national defense cannot afford to spend annually even a few millions of dollars wastefully.

In general, it must be remembered that the value of any measure such as the heads of the Federal Reserve System now propose depends on its manner of execution. The problems caused by excess reserves cannot, like an oil burner, be handled simply by thermostat adjustment. Nor is there, unfortunately, any complete assurance that mass psychology with reference to inflation can be permanently guided from Washington.

Mr. President, I ask unanimous consent that the splendid report be made a part of the RECORD as a part of my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SPECIAL REPORT TO THE CONGRESS BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, THE PRESIDENTS OF THE FEDERAL RESERVE BANKS, AND THE FEDERAL ADVISORY COUNCIL

For the first time since the creation of the Federal Reserve System, the Board of Governors, the presidents of the 12 Federal Reserve banks, and the members of the Federal Advisory Council representing the 12 Federal Reserve districts present a joint report to the Congress.

This step is taken in order to draw attention to the need of proper preparedness in our monetary organization at a time when the country is engaged in a great defense program that requires the coordinated effort of the entire Nation. Defense is not exclusively a military undertaking, but involves economic and financial effectiveness as well. The volume of physical production is now greater than ever before and under the stimulus of the defense program is certain to rise to still higher levels. Vast expenditures of the military program and their financing create additional problems in the monetary field which make it necessary to review our

existing monetary machinery and to place ourselves in a position to take measures, when necessary, to forestall the development of inflationary tendencies attributable to defects in the machinery of credit control. These tendencies, if unchecked, would produce a rise of prices, would retard the national effort for defense and greatly increase its cost, and would aggravate the situation which may result when the needs of defense, now a stimulus, later absorb less of our economic productivity. While inflation cannot be controlled by monetary measures alone, the present extraordinary situation demands that adequate means be provided to combat the dangers of overexpansion of bank credit due to monetary causes.

The volume of demand deposits and currency is 50 percent greater than in any other period in our history. Excess reserves are huge and are increasing. They provide a base for more than doubling the existing supply of bank credit. Since the early part of 1934, $14,000,000,000 of gold, the principal cause of excess reserves, has flowed into the country, and the stream of incoming gold is continuing. The necessarily large defense program of the Government will have still further expansive effects. Government securities have become the chief asset of the banking system, and purchases by banks have created additional deposits. Because of the excess reserves, interest rates have fallen to unprecedentedly low levels. Some of them are well below the reasonable requirements of an easy-money policy and are raising serious long-term problems for the future well-being of our charitable and educational institutions, for the holders of insurance policies and savings-bank accounts, and for the national economy as a whole.

The Federal Reserve System finds itself in the position of being unable effectively to discharge all of its responsibilities. While the Congress has not deprived the System of responsibilities or of powers, but in fact has granted it new powers, nevertheless, due to extraordinary world conditions, its authority is now inadequate to cope with the present and potential excess-reserve problem. The Federal Reserve System therefore submits for the consideration of the Congress the following five-point program:

1. Congress should provide means for absorbing a large part of existing excess reserves, which amount to $7,000,000,000, as well as such additions to these reserves as may occur. Specifically, it is recommended that Congress—

a. Increase the statutory Reserve requirements for demand deposits in banks in central Reserve cities to 26 percent, for demand deposits in banks in Reserve cities to 20 percent, for demand deposits in country banks to 14 percent, and for time deposits in all banks to 6 percent.

b. Empower the Federal Open Market Committee to make further increases of Reserve requirements sufficient to absorb excess reserves, subject to the limitation that Reserve requirements shall not be increased to more than double the respective percentages specified in paragraph a.

(The power to change Reserve requirements, now vested in the Board of Governors, and the control of open-market operations, now vested in the Federal Open Market Committee, should be placed in the same body.)

c. Authorize the Federal Open Market Committee to change reserve requirements for central reserve city banks, or for reserve city banks, or for country banks, or for any combination of these three classes.

d. Make reserve requirements applicable to all banks receiving demand deposits regardless of whether or not they are members of the Federal Reserve System.

e. Exempt reserves required under paragraphs a, b, and d from the assessments of the Federal Deposit Insurance Corporation.

2. Various sources of potential increases in excess reserves should be removed. These include the power to issue three billions of greenbacks, further monetization of foreign silver, the power to issue silver certificates against the seigniorage, now amounting to one and a half billion dollars on previous purchases of silver. In view of the completely changed international situation during the past year, the power further to devalue the dollar in terms of gold is no longer necessary or desirable and should be permitted to lapse. If it should be necessary to use the stabilization fund in any manner which would affect excess reserves of banks of this country, it would be advisable if it were done only after consultation with the Federal Open Market Committee, whose responsibility it would be to fix reserve requirements.

3. Without interfering with any assistance that this Government may wish to extend to friendly nations, means should be found to prevent further growth in excess reserves and in deposits arising from future gold acquisitions. Such acquisitions should be insulated from the credit system and, once insulated, it would be advisable if they were not restored to the credit system except after consultation with the Federal Open Market Committee.

4. The financing of both the ordinary requirements of Government and the extraordinary needs of the defense program should be accomplished by drawing upon the existing large volume of deposits rather than by creating additional deposits through bank purchases of Government securities. We are in accord with the view that the general debt limit should be raised; that the special limitations on defense financing should be removed; and that the Treasury should be authorized to issue any type of securities (including fully taxable securities) which would be especially suitable for investors other than commercial banks. This is clearly desirable for monetary as well as fiscal reasons.

5. As the national income increases a larger and larger portion of the defense expenses should be met by tax revenues rather than by borrowing. Whatever the point may be at which the Budget should be balanced, there cannot be any question that whenever the country approaches a condition of full utilization of its economic capacity, with appropriate consideration of both employment and production, the Budget should be balanced. This will be essential if monetary responsibility is to be discharged effectively.

In making these five recommendations, the Federal Reserve System has addressed itself primarily to the monetary aspects of the situation. These monetary measures are necessary, but there are protective steps, equally or more important, that should be taken in other fields, such as prevention of industrial and labor bottlenecks, and pursuance of a tax policy appropriate to the defense program and to our monetary and fiscal needs.

It is vital to the success of these measures that there be unity of policy and full coordination of action by the various Governmental bodies. A monetary system divided against itself cannot stand securely. In the period that lies ahead a secure monetary system is essential to the success of the defense program and constitutes an indispensable bulwark of the Nation.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE—ROBERT WATT

Mr. THOMAS of Utah. From the Committee on Education and Labor I report favorably the nomination of Robert Watt, of Massachusetts, to be a member of the Federal Board for Vocational Education. This nomination will only hold until the middle of July next, and I hope to have it acted upon today.

The PRESIDENT pro tempore. The report will be received, and the nomination will be placed on the Executive Calendar.

CIVIL AERONAUTICS BOARD—EDWARD P. WARNER

Mr. BARKLEY. Mr. President, I have a telegram from the Senator from North Carolina [Mr. BAILEY], chairman of the Committee on Commerce, in which he asks me to report on his behalf from the Committee on Commerce the nomination of Mr. Edward P. Warner to be a member of the Civil Aeronautics Board. Acting in behalf of the Senator from North Carolina, I ask unanimous consent that the committee be discharged from the further consideration of the nomination, and that it be taken up and acted upon at this time.

The PRESIDENT pro tempore. Is there objection?

Mr. AUSTIN. Mr. President, reserving the right to object, I inquire, for the purpose of identification, whether this is the same Mr. Warner who served on the President's special committee to investigate all types of aeronautical activities and the relation of the Government to them, which committee made a report to the Congress?

Mr. BARKLEY. I understand he is the same person.

Mr. AUSTIN. Is he now occupying a position in the Government?

Mr. BARKLEY. If I correctly understand, the nomination is a reappointment to the position of member of the Civil Aeronautics Board.

Mr. AUSTIN. Is that the Air Safety Board?

Mr. BARKLEY. It is the Civil Aeronautics Board in the Department of Commerce, which took the place of the old Civil Aeronautics Authority, which was transferred from an independent agency to the Department of Commerce.

Mr. AUSTIN. I have no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered. Without objection, the nomination is confirmed, and the President will be notified.

UNITED STATES COURT OF CLAIMS—JOSEPH WARREN MADDEN

Mr. BARKLEY. Mr. President, I believe the only nomination on the calendar is that of Mr. Joseph Warren Madden to be a member of the Court of Claims. I ask that we now proceed to consider it.

Mr. TAFT. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TAFT. I should like to make the point of order that this nomination, while it is said to be reported by the Committee on the Judiciary, is not reported by the Committee on the Judiciary. The Committee on the Judiciary has never met since the appointment of Mr. Madden; and I suggest that the proposed action is in violation of rule XXV, paragraph

3, which contains provisions as to what shall constitute a quorum of a committee.

I quite realize that the practice of signing reports is quite customary, and when there is no objection to a nomination, there can be no reasonable objection to that procedure; but in the case of confirmation of a judge, particularly when there is objection, when objections would have been presented to the committee if the committee had held a hearing, it seems to me that this practice is a violation of the rules of the Senate, and I therefore object to the consideration of the nomination at this time.

I may say that I have objected before. The able Senator from Michigan [Mr. VANDENBERG] objected in my behalf when there was no quorum present. I think today there is probably a quorum present, but it seems to me that even now the matter is of sufficient importance to require considerable time of the Senate to consider the nomination. It involves the whole question as to whether or not Mr. Madden, as Chairman of the National Labor Relations Board, has been fair and imparial, or has shown any judicial qualifications whatever in the handling of the affairs of the Board. It involves the report of the House Committee on Labor, which was made 2 days ago, which covers many pages and discusses many features of the action of the Board and of Mr. Madden himself.

It seems to me it is a matter which should be presented first to the committee. That was the real reason for my objection. If Mr. Madden's nomination is not confirmed at this session, it can be submitted at the next session, and presumably at that time the Committee on the Judiciary will meet, and an opportunity to present objections will be given. At the present time I wish to make the point of order that the nomination is not properly before the Senate, because it has not been reported by the Committee on the Judiciary.

Mr. MILLER. Mr. President, what I shall say may not be exactly appropriate on the point of order, but in order that the record may be clear I should like to make a statement.

Sometime in the latter part of November I was appointed chairman of a subcommittee of the Committee on the Judiciary, along with the Senator from New Mexico [Mr. HATCH], the Senator from Delaware [Mr. HUGHES], the Senator from Nebraska [Mr. NORRIS], and one other Senator. A hearing was held by that subcommittee on the 27th day of November, after at least 2 days' notice. No Senator spoke to me, as chairman of the subcommittee, about desiring to appear before the subcommittee, although the Senator from New Mexico [Mr. HATCH] stated that certain Senators had spoken to him, without designating who they were. The record shows that he notified those Senators who had spoken to him of the date of the hearing on November 27.

The hearing was held. No one appeared in opposition to the nomination. Certain testimony was taken. There were statements from Judge Madden and Mr. Fahy, and letters from various persons were received and introduced and are now in the record.

I understand the record has not been printed. Following that, the committee was not meeting. A majority of the committee was contacted; I think all the committee was contacted; at least a majority of the committee approved the nomination, and I reported it on behalf of the Committee on the Judiciary on the 29th day of November. On that date I asked that the nomination be confirmed, but objection was made and it went over. That is the status of the matter, and that is what occurred.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. TAFT. Will the Senator state how many members of the subcommittee were present?

Mr. MILLER. The Senator from New Mexico [Mr. HATCH] and I were present, and I had the proxy of the Senator from Delaware [Mr. HUGHES].

Mr. TAFT. Only two Senators were actually present at the committee meeting?

Mr. MILLER. Only two Senators were actually present. They all had notice. Some of them were not in the city. Senator NORRIS was not in the city, and I believe another member of the committee was not here. I understood the senior Senator from Pennsylvania [Mr. DAVIS] submitted a letter, which is not in the record, in which he said that no objections to the nomination had been filed in his office.

Those are the facts about the matter. The question appears to me to be whether or not the Senate wants to set aside that practice, let the point of order be sustained and let the nomination lapse, as it would, of course, lapse with the adjournment of the present session of Congress.

That is the question before the Chair. Frankly, I do not feel that I can be of much assistance to the Chair in determining the point of order, but I do want the RECORD to show that the usual practice was followed.

Mr. AUSTIN. Mr. President, will the Senator yield at that point?

Mr. MILLER. Yes.

Mr. AUSTIN. Does the Senator know whether ever before a committee was polled by telegraph?

Mr. MILLER. Yes; as a member of committees, I have received telegrams from clerks of committees. Not long ago I received one.

Mr. AUSTIN. Mr. President, will the Senator yield for another question and observation?

Mr. MILLER. Yes.

Mr. AUSTIN. I think in his statement of facts the Senator ought to include the method of contacting members of the committee; that is, to show that the committee was contacted by telegraph.

Mr. MILLER. They were contacted by telegraph, in person, and probably some by telephone.

Mr. AUSTIN. Will the Senator permit an observation about that particular situation?

Mr. MILLER. Yes.

Mr. AUSTIN. Mr. President, I have always felt that the business of a standing committee of the Senate ought to be considered by the committee as such and that polling the committee deprives Members of some of the advantages afforded by meeting. Certainly when I received a telegram asking me to vote by telegram on this particular nomination I felt that it was going beyond the limit of good practice. I always want the benefit of the advice of my colleagues on the committee no matter what my opinion may be. Though I might favor Mr. Madden, though I have really nothing against his character or qualifications, yet I certainly would denounce that method if I could. So I refused to vote in that way.

I wonder now, as a matter of fact for the RECORD, how many others either failed or declined to vote by telegram.

Mr. MILLER. I was going to suggest and ask permission to place in the RECORD as a part of my remarks a statement I had in my possession at the time the nomination was reported which shows the number of Senators indicating their approval and the number who did not approve. The Senator from Vermont, as I remember, sent a telegram in response to one sent to him that he preferred not to take action at this time or words to that effect. I do not remember the exact wording.

Mr. AUSTIN. I do not recall how the telegram was couched.

Mr. MILLER. But the Senator's telegram was in my hand at the time I reported the nomination to the Senate.

Those are the facts about the case. I merely want to have the record straight on the facts, because an effort was made to contact every member of the committee, and I think every member was contacted. It is true the committee was not in session, but it is likewise true that a hearing had been scheduled for 2 days, but no one appeared in opposition to the nomination.

Mr. McCARRAN. Mr. President, may I make an inquiry of the Senator?

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Nevada?

Mr. MILLER. I yield.

Mr. McCARRAN. I should like to ask for the purpose of verifying the record whether or not the subcommittee ever reported the nomination back to the full committee.

Mr. MILLER. No formal report was made back to the committee, because the committee was not in session, and, apparently, could not be convened.

In addition to the statement which I have asked be printed, I request that certain telegrams from members of the committee be printed in the RECORD at this point.

There being no objection, the statement and telegrams were ordered to be printed in the RECORD, as follows:

YEAS AND NAYS—COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, NOVEMBER 27, 1940, VOTE ON J. WARREN MADDEN TO BE JUDGE COURT OF CLAIMS

Yeas: Mr. Neely (wire), Mr. Van Nuys, Mr. Hatch, Mr. O'Mahoney, Mr. Hughes, Mr. Miller, Mr. Norris (wire), Mr. Danaher, Mr. Chairman.

Pass: Mr. King, Mr. McCarran, Mr. Burke.

Not available: Mr. Connally, Mr. Chandler.

Not voting: Mr. Austin, Mr. Wiley, Mr. Taft.

RENO, NEV., *November 27, 1940.*

DON MORGAN,
Clerk:

Madden nomination not sufficiently advised to participate in vote at present. Appreciate your wiring, but feel in view of circumstances prefer not to be recorded in vote now. Kind regards.

PAT MCCARRAN.

MCCOOK, NEBR., *November 27, 1940.*

DONALD J. MORGAN,
Clerk, Senate Judiciary Committee:

I vote in favor of the confirmation of Mr. Madden.

G. W. NORRIS,
United States Senator.

FAIRMONT, W. VA., *November 27, 1940.*

HON. HENRY ASHURST,
Senate Office Building:

Please vote me for confirmation Hon. J. Warren Madden.

M. M. NEELY.

Mr. BARKLEY. Mr. President, I wish merely to observe that the point of order does not lie since there is a report of this nomination on the calendar. The Senate does not go behind the record of a report from a committee made in the usual way to determine the method by which there was secured the consent of a majority of the committee to a nomination. We all know that to be so. From time to time frequently that has been done; indeed, it has been done a score of times in the last 6 weeks. Because of the absence of a majority of committees, they have been polled informally. Numerous nominations have been reported here and acted upon. The Senate has not gone behind the record to determine whether there was a formal session of the committee, or whether there was an informal meeting of the committee behind a post in the Capitol somewhere or whether it was called in the Judiciary Committee room. This report came in the regular way, made by the chairman of the subcommittee to which the nomination was referred, and it is my understanding, though I am not a member of the Judiciary Committee, that the chairmen of subcommittees of that committee have more or less latitude in reporting nominations upon which they act.

I do not want to get into a discussion of the propriety of that sort of action by committees. It is done by all committees; it is done every day. Nominations have been reported and confirmed over and over again since we have been meeting in this Chamber that have been reported in the same way, and no Senator made any question about it. I do not think the point of order lies against this nomination.

Mr. TAFT. Mr. President, with regard to the point that there is no record, it now appears of record on the statement of the chairman of the subcommittee, who made this report to the Senate, that the Judiciary Committee did not meet. So that question is not one of going behind the record. The statement is made by the chairman of the committee himself making the report and it is perfectly clear on the records of the Senate today that there was no meeting of the Judiciary Committee. It seems to me that that question, therefore, is squarely presented.

I desire to call the attention of the Chair to a statement in Jefferson's Manual, section XXVI, page 274, of the rules we use:

A committee may meet when and where they please, if the House has not ordered time and place for them, but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

As to the question of a hearing raised by the chairman of the subcommittee, it was the majority leader himself who stated that no important business would be taken up when we adjourned after the election, who invited all Members to go home, and stated that there would be nothing of importance considered by the Senate without due notice.

Under those circumstances, the attempt to hold a hearing at a late date when apparently no action was to be taken hardly seems to me to be a serious hearing on the subject of the confirmation of Mr. Madden.

I may say that the confirmation of a judge seems to me particularly one in which we ought to adhere to the rules, in which there ought to be a full opportunity to be heard, in which the Judiciary Committee itself ought to have an opportunity to consider all the facts. Apart from consulting with one's colleagues, Members who were home at the invitation of the majority leader had no opportunity to hear what might be said against Mr. Madden, or what considerations might be urged.

Under all the circumstances of the case, therefore, both the rules and the equity of the position, it seems to me this point of order should be sustained.

Mr. ADAMS. Mr. President, I wish to correct a slight error in the statement of the majority leader that this custom has prevailed in all committees. I desire to say to him that I happen to be chairman of the Public Lands Committee, and that committee has uniformly and consistently taken the position that no action should be taken by the committee except at a meeting of the committee at which a quorum was present; and the committee has never been polled.

Personally, as some members of the committee know, I, as an individual Senator, have always refused to be polled. I have taken the position that committees did not essentially differ from the Senate; that they were subdivisions of the Senate, and that they could no more meet by their members merely signing their names on the back of a bill than the Senate itself could pass a measure by a similar method.

That is simply my individual position. I felt, as was stated by the senior Senator from Vermont [Mr. AUSTIN], that a contrary ruling denies the members of the committee the benefit of conference, the benefit of information which other Senators would bring to them. I think it is an unsound practice.

As one Senator, I propose to vote for the confirmation of the nomination of Mr. Madden; but if the question of sustaining a point of order arises, I want it known that I personally do not think a committee of the Senate can validly act except when assembled as a committee.

Mr. BARKLEY. Mr. President, I do not want to go on with this matter; but I wish to make an observation following the statement of the Senator from Ohio.

I did state some weeks ago, for the benefit of Senators, that no important business would be taken up in the absence of a quorum without due notice. Whether I contemplated every possible nomination that might come in here when I made that statement is not very material. Many nominations have come in since that statement was made, and most Senators went home, and many nominations have been confirmed.

I did give notice last Monday that if a quorum developed here today I should seek to have this matter acted upon. If any point of order would lie against this report it ought to have been made at the time the committee made the report. No point of order was made. No objection was made. The report was made here in the regular way and the nomination was placed on the calendar. It has been on the calendar for weeks. It has gone over out of courtesy to Senators who were not present, and out of courtesy especially to the Senator

from Ohio [Mr. TAFT], who wanted a quorum here, which is now present.

I did not mean, a moment ago, that every committee of the Senate operates as most committees do. We all realize that any committee presided over by the able Senator from Colorado [Mr. ADAMS] would act in an individual and particular way, and not particularly in consonance with the conduct of all other committees; and I am willing to accept his amendment to my remarks so far as that committee is concerned. I happen, however, to be a member of the Committee on Banking and Currency; and I happen to know that that committee has frequently been polled on nominations, and no objection has ever been made to that course. I would not say that the Senator from Colorado has been polled.

Mr. ADAMS. Mr. President, let me interrupt the Senator to say that that is inaccurate. I have always objected to the polling of that committee, as the chairman of the committee knows, and have always declined to be polled.

Mr. BARKLEY. I agree to that statement. The Senator from Colorado has objected to the polling of the committee; but the committee has been polled, nevertheless.

Mr. ADAMS. That is nothing unusual. The Senator from Colorado frequently is under the steam roller, and good-naturedly. [Laughter.]

Mr. BARKLEY. I am glad to correct my remark, insofar as it applies to the Committee on Public Lands and Surveys. They have not been polled.

Mr. MILLER. Mr. President, on the point of order I merely wish to call attention to rule XXV, relating to quorums of committees.

It is true that the rule does not in so many words authorize a committee to act except as a committee, but by inference the practice which has grown up here is certainly justified, and, in my opinion, if the practice is to be changed, the rule ought to be changed for purposes of clarity, if for no other purpose.

Clause 3 of that rule says:

> That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership; nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

The point I am trying to make is that more than one-half of the membership authorized this report to be made, and, under the rule, the action is not confined to the action of the committee itself.

Mr. CONNALLY. Mr. President, I really have no very deep concern about this nomination itself; but I do feel that the general rule and the point made by the Senator from Ohio are sound.

As a member of the Judiciary Committee, I declined to vote on this matter. I was down in Texas, and I did not really care to be disturbed by the Senate at that time; and I did not vote one way or another because I did not care to exercise my prerogatives in that way.

On the point of order, however, I do not know Mr. Madden. I have nothing against him. I suppose I shall vote to confirm him if the Senate overrules this point of order; but it seems to me there is a very sound reason why Senate committees should act only as committees.

For instance, we always have a minority. Sometimes the minority may be right; but if the majority may go ahead and confirm a candidate without ever meeting, the minority are deprived of any opportunity of doing more than just saying "No." They have no chance to present matters for consideration.

Of course, we have repeatedly violated that rule by polling committees, and I am just as guilty as other Senators are; but usually those are cases of pure routine, when nobody is objecting to the nominee or nobody knows anything about the nominee, and they are willing to let the nomination go along. It does seem to me, however, that when the question of jurisdiction is invoked it is not a light matter, but is one which the Senate should very carefully consider.

No one would think that the Senate itself could pass a bill by sending us all home and telegraphing us, "The bill is up, and you may vote on it in the Senate." Of course, nobody would ever consider doing a thing like that. The committee is but an agency of the Senate. It has no greater powers than the Senate itself has. It is our servant; and when the action of a committee is questioned, I do not think it can do privately what it is unable to do officially.

Mr. MINTON. Mr. President, may I ask the Senator a question?

Mr. CONNALLY. Yes.

Mr. MINTON. Does not the Senator from Texas think the Senate may waive its own rules?

Mr. CONNALLY. Oh, the Senate probably will waive its own rules today if the matter goes to a vote.

Mr. MINTON. By a course of conduct it may waive its own rules.

Mr. CONNALLY. We may do that. We may confirm a nominee without ever sending his nomination to a committee under the rules, if we want to, because the Senate, under the Constitution, has the power to make its own rules, and nobody can question that action; but we do have rules, and one of those rules is that we have committees. Another rule is that there shall be referred to those committees appropriate matters relating to their jurisdiction. As long as we have those rules we ought to observe them.

As I have said, I have no interest in this nomination. I really very much dislike to have to agree with the Senator from Ohio, but it looks as though I shall have to do so. [Laughter.]

Mr. ASHURST. Mr. President, I doubt the propriety of my speaking at this time, but I shall run the risk of erring on the side of impropriety.

I am not a little embarrassed in that I speak now as a politician who, as the lawyers say, is in extremis—indeed, a politician upon whom rigor mortis will soon descend. [Laughter.] But I am in a situation where silence might be misconstrued.

The nomination of Mr. Madden was sent to the Senate Committee on the Judiciary and, as was done with all other judicial nominations, it was referred to a subcommittee for consideration. If my memory serves me correctly, the Senator from Arkansas [Mr. MILLER] was named as the chairman of the subcommittee.

It is not necessary for me to deliver any extended eulogy on the merits, the talents, the sagacity, and the industriousness of the junior Senator from Arkansas [Mr. MILLER]. Soon after he was inducted into the Senate he earned for himself, by his learning and his ability, a place upon its Committee on the Judiciary.

The Senator from Arkansas made a canvass of all the members of the Senate Committee on the Judiciary in the city of Washington. The Senate was in legal session. Those members who saw fit to go home and not attend the Senate's sessions have no right to interfere with the proceedings of the Senate. A man should not, by remote control, attempt to direct the Senate. While I have no criticism of any Member who was not here and had good reason for not being here, surely no point should be made of the fact that Senators who were not here should delay the Senate in its labors.

The majority of the committee reported favorably upon the nomination, if I am correctly advised by the Senator from Arkansas. Another reason which impels me to speak now is that Members of the Senate individually, but not as the Senate, did something which I shall forever hold in grateful remembrance. Eighty-four Members of the Senate signed a petition urging that I be appointed to this place on the Court of Claims. The President, for good reasons—for reasons which I approve—did not see fit to make my nomination as requested and petitioned by the 84 Senators. I was the individual whom they were so partial and so kind as to request the President to appoint. What little disappointment I might have felt in not securing the office was so transient that I do not recall that there was any disappointment at all.

In this period of the world's history and in this tragic posture of human events, those persons and only those persons who are accustomed to, or can accustom themselves to, disappointments will survive. I repeat that—the only persons who may expect to survive in the world now are those who are either already accustomed to disappointment or who can gracefully accustom themselves to disappointment. So, as I have said, while I should have been very proud and glad to have had this judicial office, the disappointment in not receiving it was so slight and so transient that there was no disappointment at all.

Whatever may have been the criticisms which fell upon Mr. Madden by reason of the office he formerly held should not, in my judgment, reach him in connection with a judicial place. No man in America, no man alive, could have served upon the National Labor Relations Board to the complete satisfaction of all. That could not have been done. The Greeks had a word for it, namely, "dilemma." We usually think we can take one or the other of the horns of a dilemma and thus escape. It is not a dilemma if there be any way of escape. One may be in a dangerous situation, one may be in a difficult position, but if he can escape and find refuge he is not in a dilemma, because a true dilemma is fatal, whatever horn one may take. The Greeks named it correctly—"dilemma"; two horns. Whoever serves upon the National Labor Relations Board will be impaled upon one of the two horns of a dilemma, and possibly on both, as has been well said by a colleague sitting near me.

The position to which Mr. Madden has been named is a judicial office. He will in that place have no policy. A judge has no policy; he has no constituents; he follows the law.

I addressed the present occupant of the chair [Mr. KING] as "Your Honor" when I first saw him. He was at that time a judge, an able judicial officer, who reflected credit upon himself and upon his constituency, but in a true sense he had no constituency. A judge can have no constituents. A judge is sworn to follow the law, and I am convinced that in the judicial office to which the President has named Mr. Madden he will have no constituency, but will follow the law.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ASHURST. Very gladly.

Mr. BARKLEY. In this particular position, membership on the Court of Claims, the judge does not act in the trial of cases nisi prius. He passes chiefly on the merits of claims against the Government of the United States, if I am correctly informed.

Mr. ASHURST. The Senator is absolutely correct.

Mr. BARKLEY. So that whatever views Mr. Madden may have held, and whatever actions he may have taken as a member of the National Labor Relations Board, they would have no relationship to his decisions in passing upon claims which are filed against the Government of the United States, which is the duty of all members of the Court of Claims.

Mr. ASHURST. The Senator is correct.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. ASHURST. I always yield to the able Senator from Ohio. I gladly yield.

Mr. TAFT. Let me say that I was one of those who recommended the able Senator from Arizona for this particular position on the Court of Claims. I did so because I think no one could have a more judicial temperament. I would say that the actions of Mr. Madden on the National Labor Relations Board show an utter and complete lack of any judicial temperament. That is the reason why I am opposing confirmation.

But what I wanted to ask the Senator was whether he did not think that a member of the National Labor Relations Board does not also occupy a judicial position in which he is required to follow the law, so there is no distinction between a member of a judicial board with judicial powers and the judge of a court. Does not the Senator think that really the nature of the jobs is the same?

Mr. ASHURST. The able Senator from Ohio is correct in that membership on the National Labor Relations Board, of course—and frankness compels me to say this—does carry with it some duties which at times partake of the nature of a judicial office. It is not, however, in any sense a judicial office. I am bound to admit that at times a member of the National Labor Relations Board must use judicial discretion, but I am sure, able and erudite lawyer as the Senator from Ohio is, he would not for a moment be so disingenuous, because that is contrary to his nature, as to assert here or elsewhere that membership on the National Labor Relations Board is a judicial office. The Senator will not assert that.

Mr. TAFT. Not a judicial office, but one which requires the exercise of certain judicial functions.

I should like to read the Senator a quotation from the Supreme Court of the United States in the Morgan case:

> The vast expansion of this field of administrative regulation in response to the pressure of social needs is made possible under our system by adherence to the basic principles that * * * in administrative proceedings of a quasi-judicial character the liberty and property of the citizen shall be protected by the rudimentary requirements of fair play. These demand a fair and open hearing.

Does not that indicate that the Supreme Court of the United States considered the function of a member of a board with judicial powers or quasi-judicial powers, as in substance the same as that of a judge?

Mr. ASHURST. As I have said, to be frank, I would say that at times it is the duty not only of the National Labor Relations Board, but the duty of the various boards we have created, to exercise judicial discretion, and to look at the law and construe the law. I admit that, but I again say it is not possible to find any person who would claim that membership on the National Labor Relations Board was in any sense a judicial position.

Mr. TAFT. Mr. President, will the Senator yield for another question, having to do with another matter?

Mr. ASHURST. I yield.

Mr. TAFT. Did the Senator, as chairman of the Judiciary Committee, ever call a meeting of the Judiciary Committee to consider this appointment at which a quorum did not appear?

Mr. ASHURST. No.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. ASHURST. I yield to the able Senator from New York.

Mr. WAGNER. Mr. President, in view of the very broad, and I think, entirely unfair statement made by the Senator from Ohio with reference to Mr. Madden——

Mr. TAFT. Mr. President, if the Senator will yield for a moment, I intend to speak at great length on the particular specifications of that charge.

Mr. WAGNER. I assume there will be another opportunity; but I think perhaps in view of the characterization of the conduct of Mr. Madden I should say that the United States Supreme Court has had 25 N. L. R. B. cases before it for review. Of course, the Senator being a learned scholar of the law, knows that the Court reviews all the evidence and the testimony taken, which includes the conduct of those conducting the judicial hearings, and the conclusions reached. The Labor Board, presided over by Mr. Madden, has a better record by far than any other quasi-judicial body created by Congress. Out of 25 cases which went to the United States Supreme Court, 20 were absolutely affirmed. Three cases were affirmed with a modification, and in only two cases were the order and findings wholly set aside.

Mr. TAFT. Mr. President, will the Senator yield in order that I may reply now?

Mr. ASHURST. I yield.

Mr. TAFT. That argument has frequently been made; but the basis of the Supreme Court's decisions upholding the National Labor Relations Board is that Congress in the act gave the board such completely wide discretion that it could do practically anything it pleased. A decision of the United States Supreme Court upholding the Labor Board does not prove that the Labor Board was right. It merely proves that the Court thinks that the powers granted in the act are so broad that the Board can do almost anything. I agree that that is the effect of the act. Consequently, a decision affirming the act does not say that the National Labor Relations Board did what was right. It merely says that the National Labor Relations Board did what there was some authority in the act to do.

It is not true that all the facts of the cases are before the Supreme Court. Far from it. The Supreme Court has said that it is not the judge of the facts, and that the National Labor Relations Board's decision on the facts is for all practical purposes final, unless it is so outrageous that no person could possibly reach such a conclusion without being biased and prejudiced. That is the reason for the Supreme Court's decision. I venture to say that with respect to most of such cases, if they were submitted to the majority of the Senate, the majority of the Senate would say that the National Labor Relations Board was wrong in the large majority of the cases which went to the Supreme Court. That does not apply to all the decisions of the Board. Many of its decisions are entirely correct.

Mr. ASHURST. Mr. President, the able Senator from Ohio, in his reply to the able Senator from New York, made the point that wide discretion was conferred upon the Board. If that be true, the fault is with Congress and not with the Board. The able Senator from Ohio would not send out an agent, giving the agent absolute, broad, and wide powers, and then lament—he would not obtain a hearing if he did—because the agent to whom he had granted the vast powers had transcended them or had exercised the discretionary powers in a different manner from that which the principal intended.

Mr. President, the fault lies at our door, and not at the door of the National Labor Relations Board, because we gave them this discretion. It might not have been wise; but it is not sportsmanlike, wise, or fair, after granting this wide-open discretion—I myself think it is too wide—to complain because, forsooth, it was exercised.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. ASHURST. I shall be glad to yield in a moment.

The able Senator from Ohio has many times demonstrated that he is an able lawyer. Today he has given further proof. He stated that the Supreme Court would not examine the facts, because the discretion was left with the Board to examine the facts. The able Senator knows that to be true as to circuit courts and as to district courts. If there be any evidence in a case, the Supreme Court of the United States will not review it. Unless there be no evidence in a case, the Supreme Court will not review it. There must be an absolute violation of the law before the Supreme Court will review a case. So the Supreme Court, in the National Labor Relations Board cases, employed the same rule it would employ in connection with an appeal from a district court.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. WAGNER. I do not wish to annoy the Senator, but in view of the statement which has been made by the Senator from Ohio, I invite attention to the fact that the law and the facts are reviewed by the Supreme Court. Mr. Chief Justice Hughes, in one of the cases, stated that the procedure provided for in the act protects every person who has any rights or any interest in the litigation. That is a statement not by the Senator from Ohio, but by the Chief Justice of the United States.

Secondly, the Senator also knows that the courts have decided that before they will enforce an order, it must be supported by substantial evidence. Time and time again the Court has used the words "substantial evidence." In order to ascertain whether or not a particular order is sustained by substantial evidence, the Court must review and study the entire evidence. The courts have said so time and time again.

Mr. ASHURST. I ask the Senator, who is an able lawyer, if the courts are likely to review a matter of discretion unless the discretion was obviously ill-employed.

Mr. WAGNER. No; but time and time again the court has made the statement that the order must be supported by substantial evidence. Those are the words the court has used. Of course, in order to ascertain whether or not the evidence is substantial, the court must examine all the facts.

Mr. ASHURST. In the cases to which the Senator from New York has referred the court must have found that there was substantial evidence in each case and sustained it.

Mr. WAGNER. In the decision in National Labor Relations Board against Jones & Laughlin Steel Corporation, Mr. Chief Justice Hughes discusses the question of review by the courts in the following language:

> The act establishes standards to which the Board must conform. There must be complaint, notice, and hearing. The Board must receive evidence and make findings. The findings as to the facts are to be conclusive, but only if supported by evidence. The order of the Board is subject to review by the designated court, and only when sustained by the court may the order be enforced. Upon that review all questions of the jurisdiction of the Board and the regularity of its proceedings—all questions of constitutional right or statutory authority—are open to examination by the court. We construe the procedural provisions as affording adequate opportunity to secure judicial protection against arbitrary action in accordance with the well-settled rules applicable to administrative agencies set up by Congress to aid in the enforcement of valid legislation.

Let me add that, if we complain about the procedure, the procedure provided for in this law is exactly the same as the procedure which has been adopted time after time by Congress with reference to every other quasi-judicial board. As a matter of history, I took the procedure provided for in the Federal Trade Commission Act bodily out of that act and placed it in the National Labor Relations Act.

Mr. ASHURST. If the Senator from New York is correct—and I have usually found him to be correct—it would seem from his statement that the lamentation of the able Senator from Ohio should be addressed to the Congress and the Supreme Court of the United States rather than to the National Labor Relations Board.

Mr. TAFT. Of course, that appeal was addressed to the Congress of the United States. We passed the Logan-Walter bill largely to correct the abuses resulting from the National Labor Relations Act, and the President vetoed that bill. So that appeal has been made to Congress, and it seems to me it is perfectly proper now to raise the same question in connection with the confirmation of Mr. Madden.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. BARKLEY. I am glad finally, on the closing days of the Congress, to find out why the Logan-Walter bill was passed. The Senator from Ohio has very clearly indicated the objective.

Mr. TAFT. I think so. I think I so stated at the hearing. It was passed because the powers given to administrative boards are so broad, and they have abused those powers repeatedly. The Logan-Walter bill was designed to check those abuses.

Mr. BARKLEY. Particularly with reference to the National Labor Relations Board.

Mr. TAFT. That is one of the five or six which have been most subject to criticism.

Mr. WAGNER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from New York?

Mr. ASHURST. I yield.

Mr. WAGNER. The amendments which were made to the so-called Walter-Logan bill by the Senate Committee on the Judiciary did not in any material way change the procedure now provided by law and by court decisions with reference to the National Labor Relations Act. For instance, it was provided in the proposed act that, in order to be enforced, the orders of the Board must be sustained by substantial evidence. That is the law today, and that has been the ruling of the Supreme Court of the United States. That was not changed by the Walter-Logan bill with reference to the National Labor Relations Board at all, but it did have an effect on other quasi-judicial boards.

Mr. ASHURST. Mr. President, I have said all I care to say. The situation was such that I thought I should speak, for to fail to speak might indicate that I felt some resentment or disappointment because I did not receive the nomination to the judicial office to which Mr. Madden has been appointed. I am sure that if I were less thick-skinned or if I were not so pachydermatous I would not be embarrassed.

I have discharged my duty. I believe Mr. Madden to be a good man. I believe him to be an honest man; I believe him to be an able man. He is not a great man, for no man Mr.

President, is ever great until he has had much sorrow, humiliation, and disappointment. When I go home and my constituents ask, Is so and so a great man? in many, if not most, instances I am obliged to say when I am asked about a Senator or other public official, " 'Yes,' he is a good Senator, he is a useful man, he is patriotic, but as to being a great man, I must say 'No,' because he has never had tremendous suffering, sorrow, humiliation and disappointment." That is what makes greatness. So I say that, while Mr. Madden is a good man, an honest man, and an able man, he may not be great. Only a few men are great. The Senate may make him great before they get through with him. I thank the Senate.

Mr. TAFT. Mr. President, I should like to call the attention of the Chair to the statement made by the able chairman of the Committee on the Judiciary, that on the question of the nomination of this judge no meeting of the Judiciary Committee was ever called, so that no member ever had an opportunity to attend the meeting of the Judiciary Committee to consider the question whether the nomination should be confirmed or should not be confirmed.

I think, getting back to the point of order, that, after all, this matter can be taken up at the next session. I do not see the necessity for hurry or rush. It may involve some few dollars of salary; I do not know the exact figures; but I submit to the Chair that until a correct procedure is taken in the Senate we certainly have not much right to criticize the procedure of the National Labor Relations Board.

The PRESIDENT pro tempore (Mr. KING). The President pro tempore is ready to rule upon the point of order raised by the Senator from Ohio.

After considering the arguments made in support of and against the point of order, the Chair overrules the point of order. The Chair thinks a proper interpretation of paragraph 3 of Rule 25, to which attention was called by the Senator from Arkansas [Mr. MILLER] supports the position taken by the Chair. The rule contains the following words:

> Nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such membership.

It appears from the record and the statements made that more than one-half of a majority of the entire membership of the Committee on the Judiciary authorized a favorable report upon the nomination under consideration. Generally speaking, a report imports verity and the Senate record of the report made by the committee a short time ago is in regular form and shows that the Committee on the Judiciary affirmatively acted upon the nomination. In the opinion of the Chair there is not sufficient warrant for impeaching the record of the Senate showing the favorable report of the Committee on the Judiciary.

The Chair believes that his position is fortified by reason of the almost uniform procedure under which Senate committees are not infrequently polled without a formal meeting of the entire committee. The practice, in the opinion of the Chair, might with propriety, be discouraged. While the Chair is not authorized to indicate what course should be pursued, he ventures to suggest that with respect to nominations for important positions, formal action be taken by committees.

The Chair overrules the point of order. The question is, Will the Senate advise and consent to this nomination?

Mr. VANDENBERG. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Byrnes	Guffey	McCarran
Ashurst	Capper	Gurney	Miller
Austin	Caraway	Hale	Minton
Ball	Chavez	Hayden	Neely
Bankhead	Clark, Mo.	Herring	Nye
Barbour	Connally	Holman	O'Mahoney
Barkley	Danaher	Holt	Reynolds
Bilbo	Davis	Johnson, Calif.	Russell
Bone	Frazier	Johnson, Colo.	Schwartz
Bulow	George	King	Sheppard
Bunker	Gillette	Lee	Taft
Burke	Green	Lucas	Thomas, Idaho
Thomas, Utah	Vandenberg	Wallgren	Wiley
Townsend	Van Nuys	Wheeler	
Truman	Wagner	White	

Mr. AUSTIN. The Senator from Oregon [Mr. MCNARY] is absent on account of illness.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Kansas [Mr. REED], the Senator from Massachusetts [Mr. LODGE], the Senator from Vermont [Mr. GIBSON], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The PRESIDENT pro tempore. Fifty-eight Senators having answered to their names, a quorum is present.

Mr. TAFT. Mr. President, the appointment of Mr. Madden to the Court of Claims is the result of a long history connected with the National Labor Relations Board.

Originally there were three members of that Board—Mr. Madden, Mr. Edwin Smith, and Mr. Donald Smith. For the greater part of the history of the Board its action was determined by the joint action of those three men.

About a year ago the term of Mr. Donald Smith expired; and to fill the vacancy the President appointed Mr. Leiserson, who had long had a record of labor service, who had been on the National Mediation Board for the railroad brotherhoods, and who, since his coming to the Board, has very largely changed the character of the Board. Mr. Leiserson found, however, that in spite of his criticism of the personnel of the Board and the general character of its decisions, he was in the minority. Mr. Madden and Mr. Smith still dominated the Board; so when last year in August Mr. Madden's term expired, there was a fundamental difference of opinion on the Board to be resolved by the appointment of the third man.

Mr. Madden's term expired in August and no appointment was made. Mr. Madden himself was not reappointed. Apparently he was not reappointed because various people, including particularly the American Federation of Labor, urged that he was so unfair, so incapable of performing judicially the functions of his office, that he should not be reappointed. His appointment was held up until after the election in November 1940.

It is well known that Mr. Madden's reappointment was urged upon the President by the C. I. O. They regarded him as their friend, and they insisted on his nomination.

The President waited until after the election. Of course, I cannot say what motives resulted finally in the refusal to reappoint Mr. Madden and the appointment of Mr. Milles as chairman in his place, but it is true that during the election Mr. John Lewis, the president of the C. I. O., came out in favor of Mr. Willkie instead of Mr. Roosevelt. Apparently the pressure of the C. I. O. was of less importance after the election than before, and after the election Mr. Madden's name was not sent in, but the appointment of Mr. Milles was made.

There is not the slightest question that the appointment of Mr. Milles has entirely changed the character of the National Labor Relations Board; and where before that we had a majority intensely prejudiced in various ways which I shall describe, we now have a Board which represents the kind of a Board which should originally have been appointed to administer the National Labor Relations Act.

Apparently in order to soothe Mr. Madden's friends, as well as all the radicals and the other people who thought that he should have been reappointed Chairman of the National Labor Relations Board, he was appointed a judge of the Court of Claims. In other words, a man who was considered so prejudiced that he could not be reappointed Chairman of the National Labor Relations Board is appointed instead to a life job as a judge, where impartiality is peculiarly necessary, is appointed to a life job at $12,000 a year, an advance in salary over what he was receiving as a member of the National Labor Relations Board. In order to soothe the feelings of the persons favoring Mr. Madden, he is kicked upstairs, and we are now considering whether or not we shall confirm his appointment as a judge of the Court of Claims—a life job at $12,000 a year—as a reward for his actions on the National Labor Relations Board and as Chairman and as a member

of that Board, for which he was not considered competent enough to be reappointed.

I submit that it shows a complete disregard of the feelings which should inspire the appointment of a judge to appoint a man as judge simply because a place must be found for him after he is removed from another position.

Mr. President, my objection to Mr. Madden is not to his character or to his legal qualifications. It is true that Mr. Madden has never practiced law; and that, I think, is one basis of objection to the appointment of a judge. But from the time he graduated from the Chicago Law School he has been a teacher of law. He served first as a school teacher, then as a teacher at Michigan University Law School, then as a teacher at Ohio State University Law School, then as dean of the West Virginia Law School, and, finally, as professor at Pittsburgh University Law School, just before he was appointed to the National Labor Relations Board. He has never practiced law. That in itself is not a complete argument against the appointment of a man as judge, but it does perhaps give some hint why he has departed so far from legal principles as he has as Chairman of the National Labor Relations Board, and so far from the fairness necessarily required from a judge.

I oppose Mr. Madden because I think he completely lacks the qualifications of a judge, because I maintain that his actions as Chairman of the National Labor Relations Board, which I wish to describe, show him to be inherently biased and prejudiced and incapable of passing on a question in the judicial manner in which a judge should pass on any legal question presented to him. I hope to show that prejudice as it appeared in the decisions of the Board in many cases by citing evidence of tremendous prejudice and lack of judicial qualifications among the personnel of the Board, which must have been known in many cases, was, in fact, proved to have been known by Mr. Madden himself; and, of course, it can be shown in a complete lack of judicial sense in the procedure of the Board.

The real purpose of the National Labor Relations Act was to make it possible for any employees to organize who wished to do so, to remove any possible coercion or pressure from their employers to prevent such organization. I think everyone approved that purpose. We have always approved it in principle. The National Labor Relations Act embodied it in law.

The act itself sets forth a perfectly correct principle, and I not only thoroughly approve the act and the basic ideas of the act but I believe they could be worked out more satisfactorily than they are in the present law. But the Board which was appointed, instead of looking upon its function as merely to prevent any interference with the organization of employees, apparently, from many of its expressions, thought it was given a kind of crusading license by Congress to go out and organize every employee in the United States, whether the employee wanted to be organized or did not want to be organized—a license, or direction, to go out and organize every employee into some nationally affiliated union because the Board showed an intense prejudice against anything in the nature of an independent union, or one that was not affiliated with some national organization. A crusading spirit to go out and organize men whether they wanted to be organized or not naturally found its greatest affiliation with the C. I. O., which happened to be a more active organizing force than the A. F. of L. at the time the Board began functioning. Perhaps that explains the intense prejudice of the Board against the American Federation of Labor.

There are many members of the personnel who, if they are not Communists, are very close to being Communists. There were many who were members of the League Against War and Fascism, which turned out to be rather a league against peace and for communism, which was exposed by the Dies committee, and I think has since dissolved itself. But many of the members of the personnel of the National Labor Relations Board were members of that organization. Their spirit against the whole system of private enterprise and private employment was made clear in many speeches and writings of those members, and much of it was known to Mr. Madden. While I do not know whether or not he has the slightest sympathy with that point of view, I do know that he knew that many of the personnel of the Board were inspired by it, and that he did not take the slightest action to remove any of those people. In fact, after Mr. Leiserson's appointment he and Mr. Smith insisted that the whole personnel be retained, and opposed any change whatever in the character of the personnel; and for that purpose Mr. Madden's vote was essential.

I have said that one of the things which was perfectly apparent was the prejudice against the American Federation of Labor, or, rather, I would say a prejudice in favor of the C. I. O. Several members of the Board expressed themselves strongly in favor of the industrial type of organization as against the craft unions. The decisions, carefully considered, while some were in favor of the American Federation of Labor and others in favor of the C. I. O., show that wherever they could they promoted a C. I. O. union against the American Federation of Labor, as well as against any independent union.

In order to show that, I should like to refer to the testimony given by Mr. William Green, the head of the American Federation of Labor, before the Senate Committee on Education and Labor, of which I am a member.

I do not like to take so much of the time of the Senate, on the last day of the longest session we have ever had, but it is certainly true that those who favor an amendment to the National Labor Relations Act, and those who are opposed to the kind of administration the Board has given, have been denied any opportunity of presenting the facts to the Senate, because the Senate Committee on Education and Labor has failed to report the amendments to the National Labor Relations Act.

Mr. Green spoke of the fact that the American Federation of Labor considered the passage of the act a major legislative victory for organized labor, and that it had supported the act. He said that his experience under the previous Labor Board—Dean Garrison, Francis Biddle, and others—led him to believe that the American Federation of Labor would receive fair and just treatment. Mr. Green continued:

> But, gentlemen of the committee, we are sadly disillusioned. The act, once hailed as labor's Magna Carta, has been distorted into an instrument of oppression by the partial and biased administration of the present Board.

Mr. Madden was a member of the Board which, according to Mr. Green, distorted the act into an instrument of oppression instead of a measure to uphold the rights of labor.

> When the split in the labor movement occurred in 1935 the Board was put to a test. Would it administer the act in an impartial manner, as its sponsors had promised, or would it pervert the great power granted it in order to assist one of two rival movements? That was the question. The answer was not long in coming. Almost contemporaneous with the division in the labor movement a definite partiality was manifested by Board Member Edwin Smith for the Congress of Industrial Organizations, and he has been able to influence the official work of the Board and of the personnel so as to support the cause of the Congress of Industrial Organizations. * * * We assumed that this governmental agency would be a judicial board, holding the scales of justice equitably, so that a great institution such as ours that has developed over a period of almost three-quarters of a century would be accorded a square deal.
>
> There soon grew a large volume of protests against the biased administration of the act. This protest was voiced most vigorously at the 1937 convention of the American Federation of Labor in Denver, Colo.

This is what that convention of the American Federation of Labor said about the Board:

> The National Labor Relations Board has, together with and through a number of its regional boards, repeatedly denied employees the right of designating the bargaining unit, and have thereby denied employees the right of selecting representatives of their own choosing with full freedom.

In other words, denied the exact purpose of the act.

> The National Labor Relations Board, through its regional representatives, has attempted to destroy the validity of contracts entered into between legitimate labor organizations and their employers, contracts which were in full conformity with public laws, including the National Labor Relations Act—in some instances with full knowledge of the facts involved, and in others without any apparent effort to ascertain the facts.

Mr. Green also stated before the Senate committee:

The Board continued on its course of usurping and abusing powers and of favoring rival organizations. Decisions and activities by the Board that threatened to undermine the very existence of the American Federation of Labor continued. At the 1938 Houston convention the executive council submitted a report, from which I quote the following excerpts in order to indicate how intolerable the attitude and conduct of the Board had become to the American Federation of Labor.

The 1938 convention of the American Federation of Labor, in a resolution adopted at that convention, said:

It is with deep regret that frankness compels us to report to you that the National Labor Relations Board has administered the act contrary to its letter, spirit, and intent, with manifest bias and prejudice against the American Federation of Labor and in favor of dual and rival organizations. Our resentment has been aroused and your officers have publicly and officially in most vigorous terms condemned this unholy alliance between a Government agency exercising quasi-judicial jurisdiction and the C. I. O.

* * * The Board has exceeded its public purpose and has vitiated the procedure delineated in the act in three respects.

These are specifications which I think are amply proved by the cases which I shall cite.

First. In a large number of instances its agents have shown gross favoritism and bias in the handling of cases, furthering the objectives of one union against another and favoring one form of labor organization.

Second. By administrative fiat the Board has set aside legally valid and binding contracts entered into in good faith by bona fide unions and employers.

Third. Through the arbitrary determination of appropriate units in cases dealing with the question concerning representation, the Board has sought to impose upon workers, regardless of their wishes, the type of organization it favored.

* * * Our suggestions for caution have gone unheeded. The administration of the act has not been in competent and impartial hands. On the contrary, flagrant bias and prejudice exists on the part of the members of the Board, as is evidenced by decisions which attempt to undermine and destroy American Federation of Labor unions.

Referring to this report of the executive council, the committee on resolutions stated as follows:

Your committee is of the opinion that the manner and method of administering the act by the National Labor Relations Board has brought administrative justice into disrepute.

They complained particularly that the Board passed on many cases from secret evidence which they did not have the opportunity to examine. Mr. Green complained against the secrecy, and said:

The secrecy of the files must be lifted to the extent that all persons may have an opportunity to examine a record which contains material on which decisions are made. The idea of keeping information and material in a secret file and then utilizing it in connection with other evidence as a basis for the decisions smacks of star-chamber proceedings.

Finally, summing up, Mr. Green said:

The American Federation of Labor—

Which represents millions of workers who are supposed to be protected by the act—

asserts that the Board has taken sides as between us and our rivals. Now, that is an assertion. We contend that its decisions are not fair; that the Board's approach was unjudicial, and that its administration was biased. We say that when the division in the labor movement came about the Board devised its rules and decrees to give support to unions of our rivals, to our great injury. We contend that even where a case did not present an issue between claimed varying philosophies—that is, even in cases where the American Federation of Labor was organizing on the same industrial, plant, or group basis as was its rival—that the Board so devised its procedure and decrees as to further the interests of our rivals. We do not think that any impartial person can look into the record of this Board's decisions and not be convinced that they are vigorous proponents of the cause of a dual movement.

I thoroughly agree that no impartial person can study the record of the Board and come to any conclusion except that the Board is biased and prejudiced. I am willing to go so far as to assert that there never has been such a gross perversion of justice in the United States in its history as has occurred in the administration of the National Labor Relations Act.

It may be asked, "What has that to do with Mr. Madden?" Mr. Madden was a member of the Board. There were very few cases in which he dissented from the decision of the two Smiths. After Mr. Leiserson was appointed, Mr. Madden lined up with Edwin Smith. Certainly he was partly responsible for decisions of the Board. As to the other matters to which I shall call attention, I believe he was also responsible.

Mr. Green further said:

In view of what I have said so far today, the purposes of this amendment—

The amendment referred to was to wipe out the Board and create a new Board—

which abolishes the Board and creates a new Board—is evident. The present Board has alienated the confidence of the American Federation of Labor and its millions of members, as well as of a large portion of the public. To put it bluntly, all classes of the public as well as the American Federation of Labor no longer respect the administration of the act by this Board.

I do not suppose there is a single businessman in the United States who has not demanded an amendment of the National Labor Relations Act to overcome the acts of prejudice of the present National Labor Relations Board.

That is a pretty broad statement, but I think it would be justifiable if you would make an analysis of public opinion.

This is Mr. Green speaking.

I say it is imperative that the present personnel be displaced if only to restore confidence and respect in the minds of millions of American workers.

That is the condition which Mr. Madden brought about by his administration of the National Labor Relations Act. Whether he knew he was partial I do not know; I only say that a man who gives a complete impression of bias and prejudice to a large section of the people of the United States cannot be so impartial that he should be appointed a judge of a United States court.

This is not solely the view of the American Federation of Labor. The New York State Federation of Labor also adopted a resolution of very much the same character in August 1938:

Resolved, That this the seventy-fifth annual convention of the New York State Federation of Labor, expresses its indignation that the National Labor Relations Act, in operation, has been perverted so as to have results for real American labor which run directly counter to the high purpose of the legislation; and be it further

Resolved, That this convention of the New York State Federation of Labor roundly condemns the present administration of the National Labor Relations Board and proclaims itself throughout in harmony with the attitude of the executive council of the American Federation of Labor on this subject.

Judge Padway, the counsel for the American Federation of Labor, also expressed very strongly his view, after a long experience with the Board in many cases, that they were completely biased and prejudiced.

Judge Padway said this at page 726 of our hearings:

I present the foregoing to this committee to establish one outstanding fact. That is, that the American Federation of Labor and its affiliates have no confidence in the Board as presently constituted, have no confidence in many of its agencies and personnel, and no longer respect the administration of the act by this Board. Whatever the reasons are, that situation being a fact, it seems to me that this Board cannot function effectively.

The Board and apparently the personnel of the Board throughout have been extremely friendly to the general views of Communist organizations and Communist front organizations in the United States. I merely cite the findings of the House committee. I shall refer at some length to the final report of the special committee of the House of Representatives of the Seventy-sixth Congress which was rendered on December 28, just 3 days ago, which, sums up probably more effectively than I can do, the case against the National Labor Relations Board, and shows beyond anything I can do the complete bias and prejudice that has inspired the members of the Board, including Mr. Madden. With regard to communism, for instance, their conclusion is:

Examples from the record are presented to show how members and employees of the Board were profoundly influenced by the doctrines and teachings of a leftist philosophy which the committee believes incompatible with a truly democratic system of government. Fraternizing with Communist sympathizers, attending meetings of societies behind whose innocuous names lurks the Communist incubus, accepting suggestions and instructions from Communists and near-Communists—all these and many other instances of improper associations and activities have convinced the committee that many of the employees of the Board are unfit for the task of fair

and impartial administration of the act. Amid such a luxuriant growth of alien philosophies no democratic process would long have a chance of survival.

The committee also sums up the cases they have examined regarding the personnel records of the various members of the Board and its staff—

Part IV is devoted to a searching analysis of personnel records of various members of the Board and its staff. Grouped under functional headings, these reveal most amazing propensities for discrimination in theory and in practice. Ofttimes, these representatives of a public agency convict themselves by their own utterances. They have impressed the committee with the fixed determination of subordinates to follow the lead of certain Board members in adopting a policy of favoring one nationally organized labor group over the other.

Summarizing the hearings and the cases which I have to cite, they show, in the first place, a distinct prejudice against the American Federation of Labor, a prejudice against every independent union, no matter how bona fide, a prejudice against every employer, and the Communist sympathies I have described. These things are shown by court decisions reviewing their own decisions, by their own decisions, by their actions with reference to their personnel, by the acts of their personnel approved by the retention of that personnel, by the views of Mr. Madden himself on free speech, and some other circumstances, and by the extraordinarily unfair procedure and remedies adopted by the Board.

First, I will refer briefly to the matters relating directly to Mr. Madden simply to show that he is a part of all the action of the National Labor Relations Board. The House committee refers first to the case of the appointment of Abraham L. Wirin, as senior officer attorney of the Board at a salary of $3,800 per annum.

Wirin——

Says the committee——

a native of Russia, had served as counsel for the American Civil Liberties Union from 1933 to 1935, where, to use his own words, he was engaged in "defense of workers, for the most part 'radical' and communistic." Further light is thrown on Wirin's character and political predilections by the following excerpt from his letter of application dated August 24, 1935:

"And now that I am being frank and in a confessional mood, let me say that I thought that a couple of years with the Board might give me that prestige which I think I need in being counsel for the Civil Liberties Union. I thought if vigilantes knew that I had been a Government official their irresistible passion to kidnap, tar, or feather me in strike situations might be somewhat resisted."

Despite such frankness, or perhaps because of it, Wirin was appointed to the position which he was seeking on October 1, 1935. His appointment did not meet with approval on the west coast, where he was well known for his radical activities. Protests were numerous, vigorous, and immediate.

I read one from former Senator McAdoo, of California, who said:

I have had so many protests against the appointment of Mr. Wirin concerning which I was not extended the courtesy of being consulted, that I shall have to file them with the Labor Relations Board. The appointment is a great blunder, politically and otherwise.

Mr. Madden stanchly and continuously defended Wirin.

Mr. Wirin was loaned at one time to a committee of the Senate, the La Follette Civil Liberties Committee. His actions on that committee were so grossly outrageous that he was discharged by the committee. In a letter addressed to Wirin himself, the Senator from Wisconsin [Mr. LA FOLLETTE] said:

You are forthwith discharged as a member of the staff of this committee for a flagrant violation of the written staff instructions. * * *

This action on your part was a direct violation of the foregoing instructions and of the policy of this committee and constitutes an inexcusable abuse of your office as a member of the staff of this committee. Such conduct on the part of a staff member cannot and will not be tolerated by the committee.

There is no record that the Board ever censured Mr. Wirin. It took him back; he went back to work for the Board. Finally he voluntarily resigned, and Chairman Madden wrote him a letter in which he said:

We have enjoyed having you on our staff during this critical period.

Mr. Madden certainly is responsible for Mr. Wirin's appointment in spite of the fact that he knew all about him, that he knew of his Communist and radical activities on the west coast, that objection was made by former Senator McAdoo, and that he was discharged by a committee of the United States Senate itself.

Mr. Madden also has supported Mr. David J. Saposs throughout his career as a member of the Division of Economic Research of the Board. Mr. Saposs' testimony and the testimony of others before the House committee very clearly showed that he was strongly sympathetic, at least, with the Communist philosophy. There is a dispute as to whether books that he wrote were really intended by him to advocate the principles that he mentions, but certainly they sounded as if he was advocating them.

A few quotations from Dr. Saposs may be interesting. He said this in an essay which he wrote, presenting his own views and philosophy:

A specter is haunting the world—the specter of fascism. The foregoing observation is more than a mere paraphrasing of the historic and prophetic opening sentence of the Communist manifesto, written by those profound social diagnosticians, Karl Marx and Friedrich Engels. * * * Unless such a movement [of middle class and workers] is brought into being, capitalism will go marching on, with its poverty, misery, and economic insecurity. The time is ripe; have the middle class and workers the will to rise to the occasion?

Documentary evidence introduced into the record of the House committee disclosed that Saposs acted unofficially as "liaison officer" between those who desired introductions to persons prominent in radical circles abroad and those persons themselves. He gave them letters of introduction to all the radicals in Europe.

Dr. Saposs at one time—showing the general attitude of the Board and its employees—called a meeting of the trial examiners. He was head of the Board's Division of Economic Research. It must be remembered that the trial examiners sit as judges in these cases. They are not the prosecutors; they are the judges. Dr. Saposs called a meeting of all of the trial examiners. Testifying as to the remarks delivered by Saposs before the trial examiners, one witness said:

The remarks of Dr. Saposs were nothing in the world but a plain and open invitation to sabotage every American conception of justice and fair play, and I challenge anybody to truthfully testify to the contrary.

It appears that the burden of Saposs's address was on the subject of "what should be gotten into the record at a Labor Board hearing, aside from direct evidence, to show by inference that employers are fostering company-dominated unions." In other words, Saposs was advising the trial examiners—advising these judges who are sent out by the National Labor Relations Board—how they should manipulate the record so that they might have in the record evidence which would result in a decision against the employer. He was advising the trial examiners, whose exercise of the judicial function requires the strictest impartiality, to assist in developing case records for the Board in such a way as to bolster up allegations in the complaints.

There is no doubt that Mr. Madden supported Dr. Saposs, supported his appointment, and supported him throughout. After the House had deliberately cut off the appropriation for the Division of Economic Research and Dr. Saposs's salary, so that he and his Division would be abolished, Mr. Madden even went to the point of transferring Dr. Saposs to another bureau, sidestepping the decision of the House, and putting him back on the pay roll as the head of the same bureau with a different name. So Mr. Madden certainly is responsible for Dr. Saposs—responsible for the appointment of a man who certainly has the most extreme Communist leanings, and who regarded the so-called judicial functions of the Board as simply a tool against the employers of the United States.

There is another case tending to show, I think, the Communist leanings of the Board, the New York Times case. In that case the Board ordered the reinstatement of some New York Times employees. The case is interesting because it shows how the Board operates throughout. The complaint was filed in November 1937, nearly 3 years before the ultimate

decision of the Board. The complaint was amended four times before it was issued in December 1938. In January 1939 the complaint and charge were amended to include the alleged discriminatory discharge of one Grace Porter, a confidential secretary, who had been dismissed in January 1936. It was 3 years after Grace Porter was discharged from the Times before she was included in the Board's complaint. Three years after a man discharged his confidential secretary the Board comes in and says, "You are engaging in an unfair labor practice because you discharged this woman on account of union activities."

The Board found the employer guilty of a violation of section 8 (3), and reinstated Miss Grace Porter with back pay for 3 years. If that does not offend our whole sense of justice, I do not know what can do so. The Board does not even complain for 3 years, and finally it orders a man to pay somebody who was not working full pay for 3 years.

The Times Co.'s defense was that it discharged this woman because it found out that she was a Communist, and her employer said, "I did not want a confidential secretary of mine to be a Communist, or have Communist leanings."

Dr. Leiserson dissented in this case. This was a recent decision; and he said this of the Board's decision, the decision of Mr. Madden and Mr. Smith:

> She was employed at the time at wages higher than she received on the Times.

That is, she was employed at higher wages when the Board finally reinstated her.

> Her employer suspected her of having some connection with a Communist unit on the Times. I am of the opinion that the National Labor Relations Act does not prevent an employer from discharging a confidential secretary whom he does not want to keep because he suspects her of communistic connections.

Dr. Leiserson, in a confidential memorandum addressed to the other members of the Board and to the associate counsel general in charge of the Review Division, amplified his position in this way. He said:

> Porter was a private secretary, and her employer suspected her of working with the Communist unit that was operating in the New York Times. She lied when he questioned her about this. The trial examiner erroneously excluded the offer of Mr. Pringle to corroborate his wife's testimony that she talked to him about her suspicion of communism in connection with Porter. The draft plays down the communism.

Dr. Leiserson further said:

> The reasoning and argumentation in this part of the draft—

That means the draft opinion that the Board was considering, which had been prepared for them—

> is farfetched and plainly designed to build up a weak case.

So this New York Times case shows the following:

First, a long period of delay. It certainly is unfair to an employer, 3 years after he has discharged an employee, to come in and for the first time make a complaint, and then require a man to reinstate an employee and pay her 3 years' back salary. It just is contrary to any conception of American justice. He did not even know the Board was complaining of his discharge of Grace Porter until 3 years after he had discharged her, and then he had to go back and pay her for 3 years' services.

Second, characterization of the case as weak by the Board's attorney before the hearing. The attorney himself told the Board the case was weak.

Third, exclusion of an offer of testimony corroborating the charge of communism in connection with Porter by the trial examiner.

There cannot be any doubt about Mr. Madden's responsibility for the attitude of the Board in that case.

Mr. Madden was very largely in charge of what might be called the blacklisting policy of the Board, their effort to use a charge by the National Labor Relations Board against a concern to prevent its getting any Government contract of any kind. That is clear, because Mr. Madden himself wrote the Procurement Division of the Treasury on September 2, 1936, a letter to this effect:

> This is to advise you that Weiss & Klau Co., of New York City, manufacturer of window shades, has been charged by its employees with a violation of the National Labor Relations Act.
>
> The preliminary investigation made by our agents in that region has shown a sufficient probability that these charges are well founded, so that we have issued a complaint against this company and have scheduled a hearing. We cannot tell just when a formal decision will be made by the Board in this case, but we want to advise you of the present status of the case, in the hope that your department will find itself able to cooperate with our work to the extent of not giving the benefit of Government contracts to persons and companies who violate other Federal laws.

If Mr. Madden was a judicially minded person, would he write a division of the Treasury and say, "We have filed a charge against this concern? We say that it has conducted unfair labor practices, or we are alleging that, but the Board itself will take some time before it can decide the case. We want you to take away any contracts from this company. We want you to be our agent to force the company to come around and say, 'Without trying the case, without presenting our defense, without insisting on a hearing, we are going to agree to what you allege because we want a Government contract.'"

The proposal would be bad enough if it were based on a finding of guilty because I think it is fundamentally unsound for one department of the Government to say "If you violate a law we are going to punish you by having nothing to do with you in another department." As a matter of fact, that is not legal. But it is worse for Mr. Madden to say, "We have filed a charge; it is not proven yet, the case has not been tried, and we do not think we will try it for the present, but it should be taken by you as a reason why any Government contract should be refused."

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER (Mr. LEE in the chair). Does the Senator from Ohio yield to the Senator from New York?

Mr. TAFT. Certainly.

Mr. WAGNER. Does the Senator contend that the Government has no right, as a prerequisite to granting a Government contract, a negotiated contract or any other kind of contract, to insist that the contractor shall obey the laws of the United States? Has not the Government the right to say, "We refuse to give a contract to any individual or corporation which deliberately violates the laws of the United States"?

Mr. TAFT. The courts have decided, and the Comptroller General of the United States has decided, that they cannot do that. The Comptroller General of the United States has rendered an opinion in which he has said that where the law provides for low bids the War Department must grant contracts to the lowest bidders, even if they have been violators of Federal law. They may put into the contract a provision to do this or that.

Mr. WAGNER. That is what I am talking about. The Comptroller General decided that there was no provision of law which deprived a particular contractor of his contract under a law providing for award to the lowest bidder. But the Senator does not mean to say that the Government has no right, as a condition precedent, or as a condition to obtaining a contract, to insist that a contractor shall not be a violator of its own law?

Mr. TAFT. No; I say the Government has a right, but the Congress has expressly declined to give that power to any board of the Government up to date. This very Senate last year struck out of the La Follette civil liberties bill such a provision. It was alleged that certain people had violated something prescribed in the law, and that they should be ineligible to get a Government contract for 3 years, but the Senate did not think that was a good policy.

Mr. WAGNER. I recall the incident. Does the Senator himself contend it is a sound policy to give a contract, which is in the nature of a favor from the Government, to one who willfully violates the laws of the Nation?

Mr. TAFT. Yes, I do; frankly. I think that to make every department of the Government a means of persecuting and putting pressure to bear on some man to act in a way he does not want to act in an unsound policy, because it puts in those various departments a power they should not have.

They cannot determine satisfactorily whether a certain man has really violated the law or not. It is not possible to have a dozen different bureaus determining whether a man has violated an act or not. A defendant is entitled, until he is convicted in a court, to the same treatment received by any other man who has not been convicted in a court. What I object to is putting into any law a provision which would permit the Treasury Department to determine whether a man is violating the law or is not violating the law, and use that as a club to make him do something which the Treasury Department or the National Labor Relations Board says he should be doing.

Mr. WAGNER. Let me ask another question, if I may. Suppose the courts have reviewed the facts and have found that the individual did deliberately violate the law. Would the Senator then still say that it was an unsound policy, under those circumstances, to deprive a man of the opportunity to get a favor from the Government?

Mr. TAFT. I think we might pass a law providing that as long as such a man continued the practice of which he had been found guilty he should not be treated with favor. But I think you should not mix up the question of a Government contract under the War Department with the question of the administration of the labor law. I do not think that is wise. Incidentally, that is one of the things which have slowed up the defense program, and will continue to slow it up.

If a man violates the wage-hour law, the law gives the Government plenty of means of going in and enforcing the law. The Government can punish him, can fine him, can issue all kinds of injunctions against him, can put him in jail. Why should we say as a matter of policy that, in addition to that, the Treasury Department could go out and determine whether a certain man had violated some law of the United States when he was after a contract?

Mr. WAGNER. We may differ on the other question; but the last question I asked the Senator was about a case where an individual seeking a Government favor in the way of a contract deliberately violated the law, and had been found by a court to be a violator. Under those circumstances would he still be entitled, although defying the laws of the United States, to favors at the hands of the United States in the way of contracts?

Mr. TAFT. Let me answer the Senator in this way. Let us suppose that a particular company can make airplanes faster and more efficiently than any other company in the United States. I would say, forget their violation of the law; leave their punishment to other departments, and for heaven's sake give them the contract to go ahead and make the airplanes faster than anyone else in the United States can make them. Other things being equal, I would say that the Government should naturally favor those who were not offending other departments of the Government, but if things are not equal, I would not give much weight to the question of whether they were violating some other law which could be enforced by its own proponents, and adequately enforced, with the penalties Congress has prescribed.

Mr. WAGNER. I cannot regard as insignificant a great right which the workers have had conferred upon them—the right to be free men. Under the National Labor Relations Act, since we are speaking about the labor act, there is no penalty provided apart from an order to cease and desist, and a requirement, if there have been unfair discharges, to pay the back salaries and to restore the individuals to their employment. There are no penalties provided in the statute at all.

Mr. TAFT. The Board issues an order to do certain things; and if the respondent does not do those things, he goes to jail. Does not the Senator from Nebraska agree to that interpretation?

Mr. BURKE. Will the Senator yield for one brief remark?

Mr. TAFT. Certainly.

Mr. BURKE. It seems to me the Senator from New York is getting very far away from the issue raised by the Senator from Ohio. The Senator is offering this contention of Mr. Madden's in reference to the denial of contracts as evidence that Mr. Madden is not judicially minded. Mr. Madden and one associate on the Board never took the position which the Senator from New York now asks the Senator from Ohio whether he would consider sound. They never said to the Treasury Department, the Procurement Division, or any other division, "Wait until the courts have found this man guilty of some violation of law and then deny him a contract." They say, "As soon as we have filed a complaint against a man, you must deny him a contract," and even in some cases where they had admitted in their private memoranda they thought it was a weak case against a man, they wanted him denied the right to serve the Government through a defense contract.

I say that if any man on the National Labor Relations Board, or any other position, takes his stand on the ground—not arguing the other point now—that once the Labor Board has considered that there is a possible violation and has filed a complaint, even before they reach a decision, that of itself proves a man is guilty, I have no respect for that person's judicial temperament.

Mr. WAGNER. Of course, the Senator is arguing about an entirely different question. As I recall, that question was not raised by the Senator. I should like to ask the Senator a question. Does the Senator take the position that after an individual has been found guilty of a violation of the law by the Board, and the decision of the Board has been sustained by the Supreme Court, nevertheless, in spite of defying the laws of the United States, the individual is entitled to consideration from the Government when he seeks the favor of a contract?

Mr. BURKE. If the Senator will yield in order that I may answer the question, I should say it would depend to a great extent upon the nature of the complaint which was filed. If the complaint which was filed were that the New York Times had discharged a private secretary to one of the officials who leaned so far to the left that the official did not care to have her continue as his private secretary, and the right to discharge such person had been upheld—as it has been in the case to which reference has been made—it should not have anything to do with the granting of contracts. If there are industrialists so backward as to refuse to recognize labor's right of collective bargaining, and to enter into the spirit of the new idea in reference to the partnership between labor and management, and if that can be established as their attitude, I think Congress should then say, "We will not give any Government contract or any business at all to that kind of a person." I assume there still are a few such industrialists, but I say there are very few who share that view.

I think the Senator is entirely mistaken in saying that I misconstrue the position taken by the Senator from Ohio. As I understand, his position is that Mr. Madden showed his lack of judicial qualification by claiming the right to instruct and advise the Treasury and other departments of the Government that they should not have anything to do with a business concern against which Mr. Madden and his associates had filed some kind of a complaint.

Mr. TAFT. Mr. President, the Senator is exactly correct. I read a letter from Mr. Madden to the Procurement Division of the Treasury, in which he said, in effect:

> We have issued a complaint against this company and have scheduled a hearing. We cannot tell how long it may be before the final decision is reached, but meantime, do not give them any Government contracts.

Mr. WAGNER. Mr. President, I had passed that point. I asked the Senator the question, when there had been a finding that the individual was violating the law, would the Senator contend that that fact should not deprive him of a favor from the Government? I think the rights of workers are quite as significant as the rights of employers. Their rights ought to be equal. I think if one is guilty of violation of the laws of the United States he is not entitled to any favor. I do not know how we could provide by law that with respect to one kind of violation we would not permit a violator to have a contract, but with respect to another violation we would. Either one violates the law or he does not. I do not see how

we can differentiate between the offenses set forth in the legislation, although some administrative flexibility might be authorized for trivial offenses. I should like to hear a suggestion from the Senator as to that particular phase of my question.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BURKE. I shall be glad to give my view on that question. I think that would be a matter for Congress to consider, and not for the Labor Board or any of the departments to determine. Congress in its wisdom might say that in considering the offenses listed in the Labor Act the offense set out, we will say, in section 8, subsection 3, is considered so serious that, as an additional penalty beyond whatever other penalties there may be in the act, or whatever penalties may be enforced by the court, no employer guilty of violating this section shall be permitted to have any contractual relations with the Federal Government.

While I am on my feet, I will say to the Senator that I disagree with him entirely in the view that the favor is all on one side in the matter of contracts with the Government. Of course, I realize that business and industry want contracts; but we have set up a Defense Commission, and are throwing the whole power of the Government into the effort to bring business and industry to the point where they will take contracts and run the risk of loss after the war is over. A contract is a two-sided arrangement; and I think it is very shortsighted to say that in order to make more effective the provisions of the Labor Relations Act we are going to deprive this generation and our children's children of the right to have adequate defense because we want to put additional teeth into a law which has already been used as a very effective club to hold industry in check.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. WAGNER. I feel as strongly as any man in the country about the vigorous prosecution of our defense program. It is very, very important. I think one of the things with which we must all be gratified is the cooperation we now have between industry and labor. Strikes are very exceptional, and I may say that the record shows that in proportion to total population we have fewer disputes in this country today than in Great Britain.

What I am seeking is equal justice for all. I do not want either a labor organization or an employer to obtain any advantage. I still say that it is a favor, in a sense, to obtain any contracts under the defense program, and that anyone who is not ready to abide by the laws of the United States should not receive such favors. I think we can all accept that view. The only question is in the matter of the method. I am sure the Senator does not disagree with me on the fundamental proposition I assert.

Mr. TAFT. Mr. President, the Senator from New York has raised questions which must be distinguished.

First, he is urging the general policy that we should impose additional penalties. My own feeling is against such a step. That is a legislative question, with which Mr. Madden has nothing to do. I am opposed to it because I think the punishment should fit the crime, to get back to Gilbert and Sullivan. [Laughter.] If we assert that the fine should be $10,000 for a certain offense, why add a perfectly indefinite penalty by taking contracts away from the man? Such action would make the penalty far in excess of the $10,000 fine. I do not agree with that theory, but that has nothing to do with the present case. The question was debated last year, and the Senate decided not to put that additional penalty into the La Follette civil liberties bill. However, regardless of the policy, there is no law which permits it today. That is perfectly clear.

Mr. WAGNER. In my question I was trying to ascertain the attitude of the Senator on these matters. I am not urging anything which the Council of National Defense has not asserted as the principle which it has adopted in the prosecution of the defense program with reference to the relations between employer and employee. I am not asserting anything which the Council has not said is a sound policy for it to pursue. The same principle was adopted by the Labor Board, of which the late father of the Senator from Ohio was the distinguished chairman. That Board had asserted that principle as the one which ought to be followed in the prosecution of our defense program in the last war, and it was very definitely followed. A violator of the principle received no favors whatever.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BURKE. I should like to ask the Senator from New York if he favors the expressed and published position taken by Mr. Sidney Hillman in reference to the Ford contract, that defense contracts should be denied the Ford Co. because there is pending before the Board and in the courts a charge against the Ford Co. that it was guilty of violation of the act?

Mr. WAGNER. I have not read in detail the statements made with reference to that controversy; but I can say that I do know, as a matter of fact, that one of the cases brought against Mr. Ford in which the Labor Board found Mr. Ford guilty of unfair labor practices went to the circuit court of appeals. The circuit court of appeals, after a review, held Mr. Ford guilty of violating the law, and the order was entered as a result of that decision. Therefore, we have a court finding Mr. Ford guilty.

Mr. TAFT. And very recently the National Defense Advisory Commission gave Mr. Ford a contract in spite of that decision.

Mr. WAGNER. I am not going to argue one way or the other on a contract with all the facts of which I am not familiar, but I do know that Mr. Ford has been found guilty by the circuit court of appeals of violating the National Labor Relations Act.

Mr. BURKE. The matter is before the Supreme Court of the United States now, I understand, and the circuit court of appeals denied the Labor Board's contention in the most serious part of the case, the one involving the right of free speech, I believe. However, the point I was making was that the Senator from New York said he stood with the Defense Commission in its attitude on this matter, but I think the evidence shows that the Senator's position as now stated may be in accord with that of Mr. Sidney Hillman but certainly he is not in accord with the Defense Commission in this case, because they have gone ahead and given a contract.

Mr. TAFT. Not only that, but the last word in that controversy was the Attorney General's testimony before the House committee regarding his own opinion which was supposed to have supported Mr. Hillman's views, but he says:

> I do not say what has been read into it, that the effect was to prohibit the award of contracts. If the national-defense contracting authorities decide to deal with men who are in violation of the act, that isn't affected by this decision.

That decision was that the decision of the N. L. R. B. should be considered binding on other departments of the Government. Then the National Defense Commission did let a contract. So, I presume, that the authorities are on my side on the question of policy and against that of the Senator from New York. However, the point I was making was entirely different on the question of policy, as to whether, in addition to the penalties prescribed in the act, we want to impose a broad, indefinite, additional penalty for all sorts of other things. The Labor Board issues an order against Mr. Ford, as I understand, and, if he does not comply with it, he is fined or goes to jail. The penalty is in the act, and whether it is desired to add other penalties is a question for Congress to determine. But my point is that Mr. Madden had deliberately asked other departments of the Government to refuse contracts with companies if the Board had filed a charge against such companies, although there had been no hearing whatever. The Board could have had a hearing right away, as it had hearings fast enough when it wanted to, but in this case it was postponing a hearing and no one could tell when the hearing might be held.

Then, there is another charge against Mr. Madden, and that is that there was no law authorizing such blacklisting procedure—for that is what it is; it is a kind of boycott procedure, the creation of a blacklist of firms with which

no department of the Government shall deal. Knowing there was no such law, he himself said that these blacklisting activities of the Board had been purely voluntary, and had been in no way authorized by any Federal statute. He admitted that, in fact. I have already stated that the attempts to enact statutes for that purpose have been unsuccessful.

But, undeterred by the mere failing of the Congress to legislate on this matter, the Board supplied this deficiency by usurping the legislative function. It is significant that Madden did not plead ignorance or lack of power to impose such an unusual penalty, but stated in his testimony that he was doubtful at the time that these steps were undertaken whether a governmental agency had the power to resort to such practices.

But, nevertheless, he went ahead and did it.

In addition, the Board went after the Army and Navy. They did not meet with much success in the War Department because in that case, in 1936, the Assistant Secretary of War, Mr. Louis Johnson, refused to go ahead on the request of the Board. Mr. Johnson said:

In view of the foregoing, the War Department is of opinion that it lacks authority to withhold contracts from the corporations in question for the reasons indicated and is unable to suggest any other means of cooperative action believed to be within its lawful authority to take.

As a matter of fact, in that case the Board dropped the case they were complaining about to the War Department; they did not file any proceeding in the circuit court of appeals to enforce their opinion; they simply dropped it and never tried to enforce the charge. Instead of that they have been trying to make the War Department "pull the fat out of the fire" for them. They wanted the War Department to enforce the orders they were making, although they were not willing to go to court to enforce those orders in accordance with the actual terms of the act because apparently they did not have sufficient evidence. They were not deterred by being turned down by the War Department and the Comptroller General, and, on May 1, 1937, General Counsel Fahy addressed a memorandum to the Board reading:

Do you suppose something could be done under the Navy contracts? I am looking into this.

The Navy Department took the same view as the War Department. I say that a board that usurps authority, which tries to take Government contracts away from firms when the laws of the United States do not permit it to do so—that a man particularly who tries to take Government contracts away from anybody against whom only a charge is filed by the Labor Board shows his lack of judicial quality. He shows intense prejudice against the people against whom the Board has filed charges, even though nothing has been proved and he does not know what the outcome of the trial is going to be.

Mr. WAGNER. Mr. President, will the Senator yield for a question?

Mr. TAFT. Certainly.

Mr. WAGNER. I understood the Senator to say a little while ago—I was rather confused by his statement that a criminal penalty was provided under the Labor Relations Act.

Mr. TAFT. That is my impression.

Mr. WAGNER. No.

Mr. TAFT. After there is issued an order to cease and desist?

Mr. WAGNER. No. There is absolutely no other penalty, except, as I stated, that reinstatement can be ordered on a proper showing.

Mr. TAFT. I do not claim to be an expert on that procedural question, but my impression was that the Board could issue an order to cease and desist; that it could then go to the circuit court of appeals and have that order affirmed; and if the circuit court of appeals issued an order to cease and desist, a man who violated that order would be in contempt of the court and would go to jail.

Mr. WAGNER. That is the exercise of an inherent power of the court.

Mr. TAFT. The point is that a man can be punished by being sent to jail, and there is no necessity for additional punishment by taking away from him Government contracts.

Mr. WAGNER. Of course, as the Senator knows, in spite of many things that have been said rather loosely, a Labor Board order does not become effective until the court approves and enforces it. Of course, it is entirely in the discretion of the court. Then, if there is a violation of any order the court issues, the court has the inherent power, and has had it from the beginning of time, to punish for contempt any acts in violation of its orders. That is inherent. But we have not given the Board that power.

Mr. TAFT. If the Senator from New York thinks that the penalties prescribed by the Labor Act are inadequate, then the way to make the penalties adequate is to prescribe them by law. It is not for the Chairman of the National Labor Relations Board to prescribe new penalties which are not provided by law and which the Comptroller General says are contrary to law.

Mr. WAGNER. I have not suggested any amendments to the law which would increase the penalties now provided; I have been resisting amendments which have been proposed, and many of which have been accepted by the other House which would be destructive of rights granted under the law. That has been my attitude.

Mr. TAFT. I think, however, it is perfectly clear, regardless of differences on policies, that the Chairman of the National Labor Relations Board has been trying to blacklist firms against whom no charge has been proved; nothing had been even found by the Board, and certainly nothing had been found by the courts. I say that is the kind of action that no man with a judicial mind would take.

I now come to the question of the lobbying activities of Mr. Madden. From the time Mr. Madden has been on the Board he, in common with all the other members of the Board, has been steadily lobbying Congress, in violation of the statutes of the United States. The House committee went into the matter rather fully, and their report states as follows:

Ex-Chairman Madden himself participated in these lobbying activities; he stated that on several occasions he had asked prominent union officials to testify in opposition to amendments to the act being considered by the Senate Committee on Education and Labor. A conference of Board Members Madden and Edwin S. Smith with various subordinate employees of the Board was described in a Board memorandum as a meeting to discuss appropriate witnesses for the hearing before the Senate committee.

During a discussion with the Board's regional directors, ex-Chairman Madden suggested that letters being sent to congressional representatives by union officials should be spaced over a period of time, the obvious purpose being to persuade Members of Congress to the belief that these expressions of opinion were spontaneous rather than inspired by the Board. Madden added that it would save the regional directors "a lot of last-minute solicitation."

Mr. Madden said, in effect, "I should like to have a lot of letters sent to Congressmen protesting against amendments to the National Labor Relations Act; and you want to go out and see that union fellows have those letters spaced from time to time, so that they will look as if they were spontaneous and do not all come in in a flood that looks like an inspired propaganda." Not only was Mr. Madden lobbying before Congress in trying to bring influence to bear on Members of Congress, but he was also trying to conceal from the Members of Congress the manner in which he was conducting that solicitation of letters.

Allen Rosenberg, a subordinate Board employee, testified that the Senate Committee on Education and Labor had authorized the Board to call expert witnesses to testify concerning the proposed amendments. When a certain Dr. Thyson volunteered to testify, however, he was not deemed a suitable witness, for he favored amending the act to provide for a five-man board. The invitation to appear as an expert witness was so handled by the Board as to preclude the offer of any testimony in opposition to the act.

In other words, we authorized the Board to go out and get expert witnesses, and they went out and got only the expert witnesses who would testify to what the Board wanted them to testify. That is a definition of "research" and "expert" which any really conscientious expert would deny.

One prospective witness was willing to be "coached" along the lines that "you" (ex-Chairman Madden) "may think desirable."

In other words, Madden was conducting the hearing and producing the witnesses before our committee against amendments to the National Labor Relations Act.

The methods pursued by the Board in obtaining witnesses to testify before the Senate committee are exemplified by

the contents of communications between Nathan Witt, ex-secretary of the Board, and a regional director. I might say that Mr. Witt, the secretary, was supported throughout by Mr. Madden. After Mr. Leiserson came in, he tried to get rid of Mr. Witt; and Madden and Smith stood together against any modification of Mr. Witt's status. This regional director advised the secretary's assistants that an attorney who had represented both A. F. of L. and C. I. O. unions would be happy to testify "in the event his business calls him to Washington in the course of the hearings on the amendments." Witt's contemplated reply again indicates the lack of any scruples as to the ways and means employed. He writes back to the regional director:

It has occurred to me that Mr. Combs, the attorney, might at the present time have cases awaiting oral argument before the Board. Will you ascertain if such is the case; and if so, we believe that it would be possible to schedule oral argument during the period in which he might be expected to testify before the committee.

In other words, here they are saying to a contestant, a lawyer who is appearing before their own Board in various cases in oral argument, "When you come on to do that, won't you just testify before the Senate Committee on Education and Labor?" Obviously a man testifying in that way would be most anxious to please the National Labor Relations Board in order that he might obtain a favorable decision from the Board. That kind of lobbying is hardly fair treatment of the Senate of the United States or the Committee on Education and Labor.

Witt also suggested to Krivonos, one of his "goon squad," one of his special investigators, then on the west coast, that he ask several prominent movie actors, actresses, directors, and writers to appear before the Senate committee to record their opposition to all amendments to the act. The Board put about 8 or 10 attorneys on that hearing, and they spent their whole time during all the time we were in session—about 4 months—in preparing the case, not only preparing the testimony of Board witnesses but in bringing other people from all over the United States to testify before our committee, witnesses who were supposed to be coming of their own accord to tell us what they really thought about the act and what ought to be done about the act.

United States Code, title 18, section 201, makes the direct or indirect use of any part of a congressional appropriation for activities seeking to influence the actions of a Member of Congress to favor or oppose any legislation or appropriation of Congress a criminal offense, punishable by mandatory removal from office, and providing also criminal penalties. In spite of a complaint by the House committee to the Attorney General, that complaint has been entirely ignored by the Attorney General.

Mr. Madden himself takes a peculiar view of the right of free speech under the Constitution of the United States; and his views on that subject perhaps will throw some light on the general attitude that he has. We were discussing the question of how far an employer may go. May an employer say anything if there is a labor dispute? May he express his individual views? Mr. Madden's position practically is that any expression of opinion having any relation to the case might be coercion and be declared an unfair labor practice, and the man might be penalized or, if he had a contract with an A. F. of L. union, the Board might annul the contract and turn the union over to the C. I. O.

This is Mr. Madden testifying before our committee:

I am willing to say this: Suppose you have a print shop or a newspaper publishing shop in which there has been a union, a pressmen's union or a typographical union, which has been recognized by the employer for 25 years, and has had contracts with him over that period of time. There has not been any attempt on the part of the employer to interfere with the union, but this particular year the union is making demands for increased wages. I should say that that employer speaking to employees whom he knew familiarly could perfectly well say, "I think your union is making exorbitant demands; I think you are acting like a lot of highway robbers."

In those circumstances I do not think that that expression by the employer would have the slightest effect upon the existence of that union, and therefore it would not come within the provisions of the statute which say that an employer may not interfere with, restrain, or coerce.

But Mr. Madden says that if the union is a new union and you say that to them, that is coercion. He says it is coercion to use the same expression in a situation in which the union is new and timid. Why on earth a man should not be able to say to a union, if he wants to, "I think the demands you are making are exorbitant and you are acting like a lot of highway robbers" I do not know. It seems to me freedom of speech demands that you shall be free to tell fellows what you think of them if you want to. There is not in those words, so far as I can see, the slightest evidence of coercion or threat or any other action against that particular union.

I said to Mr. Madden:

Then the result of that would be that the Board would find that you could call an A. F. of L. union anything, but you cannot call a C. I. O. union anything. That would be the result of the statement that you have just made.

Mr. MADDEN. If it does have that result, Senator, it is because of the facts of the living world and not because of any particular provision in the law.

Mr. Madden goes on:

Let me take another illustration. Take this time a new union. The employer says, "I think the leaders of this union are a lot of Communists and 'reds.'" That may be his opinion, but the effect of his expression of that opinion to a set of working people who are just feeling a way—feeling their way in this union business—would almost certainly be coercive. I think that under other circumstances that the expression probably would not be coercive at all.

In other words, Mr. Madden says that an employer may not say to his men, "The leaders of this union who are trying to organize the plant are Communists;" and he goes on to say, "You must not say that, even if they are Communists; even though it is a fact." Mr. Madden says, "No; the National Labor Relations Act says that a man may not use those words. He may not tell his men the truth." Mr. Madden says that if an employer goes to his men and says, "The leaders of this union are Communists," and they are Communists, it is an unfair labor practice, and he is liable to the penalties of the act, and if he happens to be favoring one union the other union gets all the breaks in the decision of the Board.

It seems to me that shows a fundamental lack of appreciation of the Constitution of the United States and the fundamental principles of free speech and freedom of action, a lack which has characterized all the actions of the Labor Board. I do not think they have the slightest regard for the Constitution of the United States in any respect, and certainly that shows a direct attitude by Mr. Madden which is contrary to all my conceptions, at least, of what the Constitution is and what freedom of speech may amount to.

The Board in a number of cases has gone out, as I have said, in the course of its crusading spirit, and deliberately stimulated litigation. They have not been satisfied to wait, as the Board should wait, until someone makes a complaint, until there are some men who want to organize and their employer in some way interferes with that organization. The Board in many cases has gone out and deliberately stimulated industrial strife.

Contrary to the general opinion expressed by the Senator from New York, the table I have shows that the National Labor Relations Act does not by any means reduce the number of strikes. In fact, it has almost steadily increased them. I have here a table which I ask permission to put into the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—*Strikes in the United States, 1881 to 1905 and 1914 to 1939*

Year	Number of—			Index (1927-29=100)		
	Strikes	Workers involved [1]	Man-days idle	Strikes	Workers involved	Man-days idle
1881	477	130,176	[2]	64	42	[2]
1882	476	158,802	[2]	64	51	[2]
1883	506	170,275	[2]	68	55	[2]
1884	485	165,175	[2]	65	53	[2]

[1] The number of workers involved in strikes between 1916 and 1926 is not known for a portion of the total. However, the missing information is for the smaller disputes and it is believed that the total here given is fairly accurate.
[2] No information available.

TABLE 1.—*Strikes in the United States, 1881 to 1905 and 1914 to 1939*—Continued

Year	Number of—			Index (1927–29=100)		
	Strikes	Workers involved	Man-days idle	Strikes	Workers involved	Man-days idle
1885	695	258,129	(2)	93	83	(2)
1886	1,572	610,024	(2)	211	196	(2)
1887	1,503	439,306	(2)	202	141	(2)
1888	946	162,880	(2)	127	52	(2)
1889	1,111	260,290	(2)	149	84	(2)
1890	1,897	373,499	(2)	255	120	(2)
1891	1,786	329,953	(2)	240	106	(2)
1892	1,359	238,685	(2)	183	77	(2)
1893	1,375	287,756	(2)	185	93	(2)
1894	1,404	690,044	(2)	189	222	(2)
1895	1,255	407,188	(2)	169	131	(2)
1896	1,066	248,838	(2)	143	80	(2)
1897	1,110	416,154	(2)	149	134	(2)
1898	1,098	263,219	(2)	148	85	(2)
1899	1,838	431,889	(2)	247	139	(2)
1900	1,839	567,719	(2)	247	182	(2)
1901	3,012	563,843	(2)	405	181	(2)
1902	3,240	691,507	(2)	435	222	(2)
1903	3,648	787,834	(2)	490	253	(2)
1904	2,419	573,815	(2)	325	184	(2)
1905	2,186	302,434	(2)	294	97	(2)
1906–13	(2)	(2)	(2)	(2)	(2)	(2)
1914	1,204	(2)	(2)	162	(2)	(2)
1915	1,593	(2)	(2)	214	(2)	(2)
1916 [1]	3,789	1,599,917	(2)	509	514	(2)
1917	4,450	1,227,254	(2)	598	395	(2)
1918	3,353	1,239,989	(2)	451	399	(2)
1919	3,630	4,160,348	(2)	488	1,337	(2)
1920	3,411	1,463,054	(2)	458	470	(2)
1921	2,385	1,099,247	(2)	321	353	(2)
1922	1,112	1,612,562	(2)	149	519	(2)
1923	1,553	756,584	(2)	209	243	(2)
1924	1,249	654,641	(2)	168	210	(2)
1925	1,301	428,416	(2)	175	138	(2)
1926	1,035	329,592	(2)	139	106	(2)
1927	707	329,939	26,218,628	95	106	178
1928	604	314,210	12,631,863	81	101	86
1929	921	288,572	5,351,540	124	93	36
1930	637	182,975	3,316,808	86	59	23
1931	810	341,817	6,893,244	109	110	47
1932	841	324,210	10,502,033	113	104	71
1933	1,695	1,168,272	16,872,128	228	376	115
1934	1,856	1,466,695	19,591,949	250	472	133
1935	2,014	1,117,213	15,456,337	271	359	105
1936	2,172	788,648	13,901,956	292	254	94
1937	4,740	1,860,621	28,424,857	637	598	193
1938	2,772	688,376	9,148,273	373	221	62
1939	2,613	1,170,962	17,812,219	351	377	121

[1] The number of workers involved in strikes between 1916 and 1926 is not known for a portion of the total. However, the missing information is for the smaller disputes and it is believed that the total here given is fairly accurate.
[2] No information available.

Mr. TAFT. The table shows the number of strikes in this country from 1881 to 1939. Roughly speaking, just to show what the table demonstrates, beginning with 1922 there were 1,100; in 1923 there were 1,500; in 1924 there were 1,200; in 1925 there were 1,300; in 1926 there were a thousand. Then the number dropped to 700; the next year to 600; 900 in 1929; 637 in 1930; 810 in 1931; 841 in 1932; in 1933, 1,695; in 1934, 1,856; in 1935, when the present Board was appointed, there were 2,014; in 1936, 2,172; in 1937, 4,740. I may say that the era of strikes in 1937, in my opinion, was one of the immensely important factors in bringing about the depression of 1937. It was the flood of sit-down strikes which caused the hesitation of all employers to go ahead, which I believe had a substantial effect in cutting down the orders for capital goods which resulted in the depression of 1937.

In 1938 the number dropped to 2,700; in 1939 it was 2,600; and I think I have seen, although I do not vouch for it, that in 1940 the number was slightly more than in 1939. But in any event, in 1938, 1939, and 1940 the number was over twice what it was during the period from 1922 to 1925 following the World War.

To a large extent litigation has been promoted by the action of the National Labor Relations Board, and I wish to cite a few particular cases in which there was a deliberate solicitation of business contrary to the whole purpose, the whole idea, of the National Labor Relations Act. The extent to which Mr. Madden participated in that I think will show a complete misconception of his duties as a member of the National Labor Relations Board. Certainly at no point has there been any judicial consideration by any member of the Board of the cases before it.

Mr. Madden says frankly that they should not do what the record shows they did. In one place he testified as follows:

> We certainly should not go out and drum up business, Senator.

He was addressing the able Senator from Utah [Mr. THOMAS]—

> We proceed only upon charges filed by people who have, or think they have, a grievance. What we are doing, I hope, is to intelligently and diligently take care of the cases that are brought to us.

But in the Inland Steel case they went out and deliberately stimulated the filing of a complaint in order to raise the question of whether or not the act required the signing of a contract when agreement was reached, or whether it did not do that. Mr. Witt, the secretary, suggested that the C. I. O. union should ask for exclusive bargaining representation instead of merely bargaining representation for its own members. That is what the union wanted to do. But Mr. Witt said, "You go out and ask for exclusive bargaining representation, because that will enable us to raise another question we want to raise."

> This would open the way toward further negotiations leading to demands for a written agreement and the possibilities of a test case. The C. I. O. was reasonably certain that the Inland Steel Co. would refuse this request, in view of a prior refusal, presumably based on the absence in the statute of any requirement of a written agreement. The theory of this procedure, as apparently expressed by Witt in a memorandum to Fahy, general counsel to the Board, was to entrap the company into an inadvertent violation of the act, which would serve as an excuse for the Board to intervene. On the refusal of the company to negotiate with a view to concluding a written labor contract, the C. I. O. union would then be in a position to file a charge under section 8 (5).

The whole case was planned and managed out of the office of the National Labor Relations Board with Mr. Madden's full approval, as will appear later.

Mr. Witt's memorandum stated:

> "* * * Thus the case is proceeding along the lines indicated in my memorandum of June 3. Mr. Dorfman will be ready to issue a complaint immediately upon charge filed and will await word from Washington as to the date of hearing. This will depend largely on the readiness of Dr. Saposs—chief of the Board's Division of Economic Research—to present evidence on the question of a signed agreement."

In other words, the whole case would be prepared in the Board office before any charge had been filed at all by the C. I. O. union.

In the Berkshire Knitting Mills case, the Board took a more active part in stirring up labor strife than they had in any other case up to that time. The Secretary of the Board wrote a memorandum to the regional director of the Philadelphia office, saying this:

> The Board is interested in finding out whether the situation at the Berkshire Knitting Mills has revealed anything which would be a possible basis for a charge of unfair labor practice.

There had been a strike, but no charge filed—

> Will you send us a report on the issues which caused the strike, and a statement of whether any unfair labor practices were involved.

The next day the Philadelphia regional director replied that, in response to Wolf's memorandum, the officers of the American Federation of Hosiery Workers had conferred with him and that the president of that union and several of his fellow union officers did not believe at that time, December 31, 1936, that any unfair labor practice had been committed by the Berkshire Co. The reply read in part:

> They [the union officials] stated that while some of the officials of the union thought facts might warrant intervention by the Board, it was the opinion of President Rieve [American Federation of Hosiery Workers] and of themselves that there was no unfair labor practice involved upon which they could base a charge of violation of the National Labor Relations Act.

Here is the Board saying to this union, "Can you not find something to file a charge on? We want to come in and proceed against this company." The union said, "Oh, no; we do not know of any." But that did not satisfy them. Nor did they feel it was wise to press a charge of refusal to meet for the purpose of collective bargaining, since the company would undoubtedly raise the point that they did not represent a majority of the workers.

So here is the minority being fomented by the Board to go ahead and file a charge, although they were not willing to try to prove that they had a majority of the workers. The charges were filed finally under pressure of the Board.

It is important to note that, although the charges were filed in January 1937, the complaint was not authorized until September 13, 1937, and was not issued until November 6, 1937. The reasons given for the failure to issue this complaint until some 9½ months after the filing of the charges are readily understandable upon perusal of the various weekly reports received from the Philadelphia regional office. For instance, the one dated February 17, 1937, stated:

"Present status of case: Held in abeyance at request of union, pending possibility of general strike."

But they did not go ahead with the charge because there was a possibility of a general strike, and they did not want to interfere with it.

The weekly report of February 24, 1937, reads:

I also went to Reading and conferred with union officials, and talked to John Edelman, of the American Federation of Hosiery Workers, who stated that I might quote him as speaking officially when he said that the union requested the Board to hold the charge which it had filed against the company in abeyance for the present. There is a strong possibility of a general strike developing in Reading over the situation in the Berkshire Mills, and the union would like to wait on that for a week or two.

The purpose of the National Labor Relations Act was to reduce labor strikes and to decrease industrial disputes and disturbances; yet the Board was deliberately aiding and abetting the promotion of industrial strife by persuading a union to file a charge which it did not want to file, and then holding off the hearing at the request of the union, because apparently it did not have a case, and also because it was thought that there was a possibility of a general strike developing, and the Board wanted the union to have the opportunity to go ahead with the general strike.

That sort of procedure is common throughout the whole action of the National Labor Relations Board. I myself know of a case in Canton, Ohio. In Canton is located the Hoover Carpet Sweeper Co. Mr. Hoover has always been very kind to everybody in the town. He has always dealt with his employees through a company union. An attempt was made by the C. I. O. to organize the employees, and it failed for the very good reason that the men did not want an outside union because the management happened to be very popular, and such an outstanding example of beneficial work for its employees that nobody cared to change the situation which existed.

There was a hearing and the effort fell through. Finally I think the charge was dismissed, but the National Labor Relations Board thought something ought to be done about it. The Board did not like the idea of an independent union. Application was then filed by the independent union to be recognized as the bargaining agent, and the Board sent Mr. Krivonos, one of the "goon squad," out to Cleveland to the regional office. He told Mr. Miller that the Board wanted all petitions for independent unions put "in the ice box" and kept there. He stated that the policy of the Board was never to touch a petition for an independent union, but to let it wait. He said, in effect, "We will not undertake to recognize them, and maybe something will occur so that we shall not have to recognize them."

But Miller said, "There is no opposition. Nobody else is now claiming to represent the employees of the Hoover Carpet Sweeper Co."

Mr. Krivonos said, "Why don't you get the C. I. O. to file a charge? It does not make any difference what it is. Surely they can find some charge of unfair labor practice."

Miller said, "They are not interested. They say they cannot hope to organize the plant. The men do not want them there." Krivonos said, "Never mind. Call up the C. I. O. on the telephone."

So they called the union officials on the telephone and told them to file an unfair labor charge so that the petition of the independent union could be held in abeyance. That was done. The charge was filed. The attorney for the independent union came to see me about a year ago. I think that at that time his application had been held by the Board for more than 2 years, in the hope that in some way the Board could avoid granting a petition filed by an independent union. As I understand, recently the Board finally did grant the petition, but in the meantime the union was threatened with disintegration. The attorney told me that so long as the Board refused to recognize the independent union, the union naturally tended to fall apart. The men did not think it was a regular union, and they had in mind the possibility that the Board might come in and promote some kind of a C. I. O. union in the plant.

I cite that case as an example showing that the Board, with Mr. Madden's approval, has deliberately stimulated litigation under the National Labor Relations Act, and stirred up industrial strife, because apparently, instead of treating the matter in a judicial manner, the Board wanted to crusade and organize into some national union every employee in the United States, whether or not the employees in any particular location wanted to be organized.

Mr. HOLMAN and Mr. BURKE addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. TAFT. I yield first to the Senator from Oregon.

Mr. HOLMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Ohio yield for that purpose?

Mr. TAFT. I yield for that purpose.

The PRESIDING OFFICER (Mr. LEE in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Johnson, Calif.	Sheppard
Ashurst	Chavez	Lee	Taft
Austin	Connally	Lucas	Thomas, Utah
Ball	Danaher	McCarran	Townsend
Barkley	Davis	Mead	Wagner
Bone	Frazier	Miller	Wallgren
Bunker	Gurney	Minton	Wheeler
Burke	Hale	Nye	White
Byrnes	Hayden	O'Mahoney	Wiley
Capper	Holman	Schwartz	

The PRESIDING OFFICER. Thirty-nine Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators and Mr. BILBO, Mr. BULOW, Mr. GUFFEY, Mr. HUGHES, Mr. KING, Mr. NEELY, Mr. RUSSELL, and Mr. TRUMAN answered to their names when called.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. There is not a quorum present.

Mr. BARKLEY. I move that the Sergeant at Arms be instructed to request the presence of absent Senators so as to make a quorum.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky.

The motion was agreed to.

Mr. BANKHEAD, Mr. GILLETTE, Mr. GREEN, Mr. JOHNSON of Colorado, Mr. REYNOLDS, and Mr. VANDENBERG entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

Mr. TAFT. Mr. President, I have been citing cases to prove the completely unjudicial character of the proceedings of the National Labor Relations Board, in many cases concurred in and in general completely concurred in by Mr. Madden, the nominee for appointment to the Court of Claims.

I now refer to the case of the American Radiator Co., in which the Board also engaged in the deliberate solicitation of litigation. Instead of sitting back and simply listening to complaints that are made, the Board seems to have conceived its function as a matter of going out and stirring up labor strife, of stimulating litigation, of advising litigants how they could best make the records that the Board wanted, so that the Board might decide in their favor.

In the American Radiator case, the field representative of the Board, while investigating the charges of unfair labor practices made against the company, made this statement to several witnesses or prospective witnesses. He said:

Of course, you know that I am working for the C. I. O., and the C. I. O. will benefit you by back pay.

He was a field representative and employee of the Board.

In regard to an alleged lock-out by the company, one of the witnesses testified that this man came to him and asked him if he would not say it was a lock-out.

I told him I would not, because I didn't have any way to prove it. He said, "By God, you swear it, and I will prove it."

Several witnesses testified that the Board's representative had made these statements. The statements disturbed the Board's attorney so much that he called up Mr. Madden to know whether he ought to permit the witnesses to testify to these remarks by the Board's representative, and Mr. Madden advised him that he thought he had better let the testimony go in the record, and it did go in the record. Even though the Board, through Mr. Madden and through a later report by the review attorney, was familiar with the activities of this field representative, it did not do anything. It did not discipline him or call him down. It continued him in office, and it raised his salary from $3,800 a year to $4,000 a year within a few months thereafter. Certainly that is a sponsoring by Mr. Madden of the kind of solicitation of witnesses in which this man engaged.

I shall not cover the entire actions of the Board personnel; but the committee of the House came to this conclusion:

It is obvious to the committee that the Board had none of that impartiality, none of that sense of balance, which characterizes a sound and capable judicial or quasi-judicial body.

In other words, a committee of the House of Representatives has found my claim in this case to be correct. It has found that Mr. Madden is not a judge; that he has no sense of judicial propriety. The committee says of the Board:

Its readiness to accept settlement of a weak case is a strong indictment of its own policies—any decent administrative body would have acknowledged its error by dismissing a case it could not support in a court.

That is the case in which the intraoffice memorandum says that the Board's representatives said it was a weak case, and they were told in effect, "Well, get the best settlement that you can. Settle the case." Instead of finding out what the facts were and dismissing the case, the Board regarded themselves as an attorney against the company rather than as a quasi-judicial body.

In the case of the Donnelly Garment Co., the attorneys for the respondent proposed to put employees of the Donnelly Garment Co. on the witness stand, and offered to prove through their testimony that the Donnelly garment workers' union—that was the independent union—had not been dominated by the company. They offered to put on every employee, if you please, to prove that he wanted to join the independent union; that it was entirely a voluntary action on their part; that there had been no coercion. The Board refused to permit any such testimony.

It is interesting to read what the circuit court of appeals said in a similar case dealing with the same question—the case of the National Labor Relations Board against the Automotive Maintenance Machinery Co., decided on December 12 of this year. In that case 31 employees testified at the hearing, and all of them testified that they were members of the independent union, and that they wished the independent union to represent them. Inferentially, and sometimes directly, they said they did not want the C. I. O. to represent them. There was no other testimony from any other employee of the company.

The theory of the Board seemingly is—

The court says—

that the contest is not one wherein the employees are interested.

What they want is not material so far as the Board is concerned.

It is a contest between the employer and the C. I. O. and the employees are merely the causi belli.

I am quoting from the Circuit Court of Appeals for the Seventh Circuit.

An opposing theory is builded upon the premises that the National Labor Relations Act was enacted for the benefit of the employees and to improve the relationship between the employer and the employee. As we tried to point out in the case of *Foote Bros.* v. *National Labor Relations Board* (114 F. 2d 611), the act was passed to protect the employees, to give them the free and unrestricted right to organize, to bargain collectively, and to freely select the agent to represent them in collective bargaining. The Board's selection of a bargaining agent is quite as violative of the spirit of the act as the employer's domination of the employees when they are making their choice.

* * * * * * *

Nearly all the employees took the witness stand. Thirty-one out of thirty-one favored AMMCO. We do not go so far as to hold they could not be influenced. We merely hold their expressed wishes under oath, where full and free cross-examination was possible, may not be, as here, wholly ignored. Because of its so doing, we are convinced that the order of the Board should not be enforced.

I cite this case because it describes correctly the Board's attitude. Its attitude throughout has been that it does not make any difference what the employees want; if the C. I. O. or any other organizing unit comes in and says, "We want to organize these men," then the Board gets behind them and does everything it can to assist them, and in some cases actually stimulates the organization. In that respect I think the members of the Board have completely misunderstood or completely ignored their quasi-judicial obligations.

There is one recent case which certainly violates the ordinary man's idea of what the Board may do. The Board, in the Waumbec Mills case, reinstated, as they termed it, with back pay for 3 years, two men who never had been employees of the company. I personally do not understand how such a conclusion can be reached. I do not believe the ordinary individual or the ordinary Senator can see how an act which authorizes the Board to reinstate employees with back pay can be taken to include men who never were employees of the company.

The House committee says the Board established a new record for ingenuity by ordering the respondent company to hire men never before in its employ and requiring them to give these men back pay from the time of the refusal of employment to the date of their employment by virtue of the Board's offer.

Mr. Madden testified himself that he felt that under the remedies given in the act the Board could devise any kind of additional remedies in addition to what was already stated specifically in the act, such as reinstatement of employment, with or without back pay.

In the Fansteel case, which is one of the leading cases, the Board ordered a reinstatement, with back pay, of employees who had participated in a sit-down strike. The Board took the position that it did not make any difference whatsoever what an employee had done—whether he had violated the law or whether he had committed a felony, whether the employees had seized the plant in violation of the ordinary rights of any employer. The Board reinstated those employees. I think that very act is one in which no Senator would be involved. I think it is contrary to the ordinary concept of justice, and that is what the Supreme Court of the United States finally found it to be. They reversed the Board and ruled that they could not reinstate such employees with back pay.

While that case was before the Supreme Court, the Board attorneys agreed in another case that they would abide by the Court's decision in that case—another case of sit-down strike.

The Court's decision stated:

"At the argument counsel for the Board admitted that the case would be governed by the ultimate decision of Fansteel Metallurgical Corporation against National Labor Relations Board * * * then argued, but undecided, in the Supreme Court. In spite of this concession after the handing down of the opinion * * * counsel for the Board has filed a supplemental memorandum attempting to distinguish the case at bar.

"The futility of relying on differences rather than distinctions is possibly 'caviar to the general' but is certainly hornbook to the barrister. * * *"

It is to be borne in mind that the respondent was obliged to take this case into the circuit court and that court showed its full realization of the public-policy aspect involved, for its decision said:

"By the same token, we think the insistence upon this appeal is a disservice to the best interests of the 'labor movement' and so a disservice to the national life of which it is such a vital part."

I cite that case, which shows the Board's disposition, even when rebuked by the Supreme Court, even when reversed by the Supreme Court, to get away just as far as possible from the law as construed by the Supreme Court.

In the case of the Standard Lime & Stone Co. they attempted to distinguish also. They said:

In this case we will abide by the decision of the Supreme Court, we will abide by the rule that men actually found guilty could not be reinstated, but those who assisted those men we will reinstate.

The Court in reversing the Board in that case also said:

In explanation of its order directing the company to reinstate the eight men who had confessed participation in the conspiracy to blow up the power lines or the commission of assaults upon workers at the plant, the Board has this to say:

"With the exception of the eight men who pleaded guilty to the commission of a felony * * * we cannot concur in the respondent's contention that these individuals have disqualified themselves from reemployment. 'The Board's power to order the reinstatement of employees is equitable in nature, to be exercised in the light of all of the circumstances of the case. Here the respondent itself has violated the law of the land. Under all the circumstances and without condoning the illegal acts of the strikers, we feel that such acts should not be a bar to the reinstatement of any except the eight mentioned above."

We find nothing in the act to support this assertion of power on the part of the Board, and we perceive no equitable circumstance to justify its exercise in this case.

The case of the Edison Co. was also referred to by the House committee, a case which was brought to our attention very largely by the American Federation of Labor's attorneys, a case in which an American Federation of Labor union had organized practically all of the employees of the Edison Co. of New York. There were something like 30,000 employees, and something like 80 percent of them had been members of that union. The Board proceeded, in spite of that fact, to declare invalid the contracts which the company had with that particular union, on the ground that the employer had in some way favored that union against the C. I. O. union, which had a much smaller number of men.

As an example of the Board's general tendency to conduct its procedure against the employer, one quotation from the opinion of Chief Justice Hughes is interesting. In one case the examiner refused to permit the company to proceed with witnesses, although the witnesses were in court, and there was no reason why they should not proceed. Justice Hughes said:

We agree with the court of appeals that the refusal to receive the testimony was unreasonable and arbitrary. Assuming, as the Board contends, that it had a discretionary control over the conduct of the proceeding, we cannot but regard this action as an abuse of discretion.

In that case the Board refused arbitrarily to hear the testimony of the witnesses.

There are other cases in which the Board has refused subpenas to the employer. The Board made a rule which any lawyer would say was unfair, that the Board attorney, the prosecuting attorney, could produce any witness, could issue a subpena for anyone he wanted to get, but that the employer could not get a subpena, even though the case was out on the Pacific coast, without coming to Washington and getting a subpena from the Board itself to make someone appear before the trial examiner on the Pacific coast to testify. The result was, of course, that they had great difficulty in doing that, and in many cases the refusal of the Board to give the employer any fair opportunity to issue subpenas and get witnesses before the Board resulted in the employers finally abandoning the effort to get the witnesses, and in not having a fair opportunity to present their case. That was a rule of the Board and a practice of the Board, with which Mr. Madden must have been familiar, for which certainly he must be held responsible.

The main issue in the Fansteel case was the power of the Board to invalidate a contract with a union. After all, that was a contract made by a company with a union, just exactly what the act says it must do, the union having a majority of the employees, and the Board set aside the contract and opened the field for organization by the C. I. O.

Mr. Justice Hughes said, in criticizing the Board's action:

The act contemplates the making of contracts with labor organizations. That is the manifest objective in providing for collective bargaining. Under section 7 the employees of the companies are entitled to self-organization, to join labor organizations and to bargain collectively through representatives of their own choosing. The 80 percent of the employees who were members of the brotherhood and its locals, had that right. They had the right to choose the brotherhood as their representative for collective bargaining and to have contracts made as the result of that bargaining. Nothing that the employers had done deprived them of that right. Nor did the contracts make the brotherhood and its locals exclusive representatives for collective bargaining. * * * Moreover, the fundamental purpose of the act is to protect interstate and foreign commerce from interruptions and obstructions caused by industrial strife. This purpose appears to be served by these contracts in an important degree. Representng such a large percentage of the employees of the companies, and precluding strikes and providing for the arbitration of disputes, these agreements are highly protective to interstate and foreign commerce. They contain no terms which can be said to "affect commerce" in the sense of the act so as to justify their abrogation by the Board.

Yet, the Board declared that contract invalid. The opinion continued:

The disruption of these contracts, even pending proceedings to ascertain by an election the wishes of the majority of employees, would remove that salutary protection during the intervening period.

* * * * * * *

We conclude that the Board was without authority to require the petitioning companies to desist from giving effect to the brotherhood contracts.

We have many cases put before us by the American Federation of Labor in which the Board had similarly invalidated contracts, and I think in every case they were American Federation of Labor contracts. So far as I can remember, no C. I. O. contract was ever invalidated, but whenever the Board felt that the employer was favoring one union over the other, on very thin evidence or no evidence at all, the Board found some offense under the act on the part of the employer. It invalidated the contract, although a majority of the employees had made the contract and wanted the contract, and there was no evidence that they would not have made it regardless of the action of the employer. A board which deliberately sets aside contracts, which were the very purpose of the act, as stated by the Supreme Court, is certainly a board which must be so influenced by bias and prejudice that its members are not qualified to be judges of the United States courts.

I think the history of the Board with relation to the longshoremen's union on the Pacific coast and in the South is further typical evidence of the prejudice of the Board. Senators know, of course, what was held in the Pacific coast longshoremen's case. The Board—I believe in violation of the law—recognized the entire Pacific coast as a single unit for bargaining purposes, combining all the longshoremen on the Pacific coast, who were organized in several unions, among which were an independent union, an American Federation of Labor union, and a C. I. O. union under the control of Harry Bridges. The Board recognized the whole area as one unit, knowing well that the C. I. O. would have a majority if all the Pacific coast longshoremen were put in one boat, whereas in three of the ports the American Federation of Labor had a majority. Of course, the result has produced a constant stream of difficulty. In a port like Tacoma, where there is an A. F. of L. union, to say, "You fellows cannot represent yourselves in dealing with your employer. You must recognize the majority and be governed by some fellow down in San Francisco. You must let Harry Bridges run your affairs and represent you with the employers" has naturally been far from making labor peace, and has stirred up constant and increased contest and violence in the longshoremen's field.

Even then the Board was not satisfied with the situation. Mr. Edwin Smith is closely allied with Harry Bridges. Mr. Madden must have known it, and yet he has practically allied himself with Mr. Smith against Mr. Leiserson in all the activities of the Board since Mr. Leiserson was appointed. Mr. Smith tried more or less to conceal his connection with Harry Bridges, and to make it appear only casual. In that connection

I should like to read a portion of the House committee's report. Mr. Smith went to the Pacific coast, where he met Harry Bridges and a number of others, and then came back and posted a notice on the bulletin board to the following effect:

Mr. Edwin S. Smith has just returned from a trip to the Pacific coast, where he inquired into the labor situation, especially in the shipping industry, and talked to Harry Bridges; Lundberg, of the Maritime Federation; and other labor leaders, businessmen, and public officials. He has a very interesting story to tell about the situation, and you are invited to hear him tell it on Thursday, April 2, at 4:30 p. m. in the hearing room.

So Board Member Smith got together all the employees—including the judicial employees and the prosecuting employees—and then proceeded to make a speech, in which the testimony tends to show that he made the statement that—

Harry Bridges is a great labor leader.

I now quote from Joseph Ryan, president of the other labor union, writing to the President of the United States, so that Mr. Madden certainly had notice of it. Mr. Ryan said:

Board Member Smith has made the statement that Harry Bridges is a great labor leader, which is, of course, his prerogative to believe; but I feel it was childish of him to call a meeting of his entire staff, including stenographers and telephone operators, to impress upon them that Bridges is the type of labor leader our country needs.

Smith said he saw Bridges at only a few places, and when attention was called to the fact that he had attended a meeting with him in Baltimore, he said that that fact had slipped his mind. He said:

The Baltimore incident, so-called, with Mr. Bridges, referred to yesterday by Mr. Emerson in his testimony, did slip my mind at the time.

As a matter of fact, Smith arranged for the Baltimore meeting with Bridges through the regional director of the Board in that city. This took place on December 17, 1936, after a mass strike meeting held in the Fifth Regiment Armory, where Bridges was the principal speaker. Smith and Nathan Witt, secretary of the Board, were on the platform at this strike meeting. They sat on the platform with Mr. Bridges while he made his speech urging the merits of the C. I. O. union. Later that night they conferred with Harry Bridges and the Baltimore regional director in the private law office of Regional Attorney Jacob Blum.

Bridges went back to the Pacific coast, and Mr. Smith conducted a very friendly correspondence with him, showing that he was tied up with him in trying to organize the union. I have no doubt that the exceptional decision of the Board providing an industry-wide unit for bargaining was inspired by the desire to give Bridges control of the longshoremen on the Pacific coast, as against any American Federation of Labor union.

To show the terms on which Mr. Smith and Mr. Bridges were, Mr. Smith received a letter from Bridges, from the Pacific coast, saying:

We are engaged in trying to force the shipowners to officially execute our agreement now that we have the Board's decision. It is too bad you had to sidestep the question of ownership of the contract as that is the point our employers are hanging their hats on.

Bridges addressed another letter to Smith in 1938 about Hawaii, in which he said:

At the same time, because of the employers' Hawaiian control over the whole situation in the islands, it needs a strong man and one who is not susceptible or easily swayed by the arguments, intimidations, etc., and I hope you will do what you can to see that somebody of the type of Mr. Eagen or Mr. Edises can be immediately selected for Hawaii.

Such a man was selected, and Mr. Smith replied:

I agree with you as to the importance of having the right sort of man in Hawaii, and the Board has this very much in mind. * * * If you ever get to Washington, I should be glad to talk these matters over with you.

The direct tie-up between the Board and the C. I. O. became very apparent when the Board intervened in the longshoremen's situation in the Southeast. The testimony of Mr. Googe, of the American Federation of Labor, shows that in the Southeast the American Federation of Labor first organized the longshoremen in New Orleans, Mobile, and along the Atlantic coast. They had several strikes, and they made substantial headway in the progress of that case. They obtained control of the situation after a strike in which Mr. McGrady, of the Labor Department, was the arbitrator. Mr. McGrady conducted the elections in that case. The C. I. O. was not in the picture at all, and the American Federation of Labor unions won overwhelmingly. They then went on and obtained several wage increases. Finally, in 1938, they demanded a 15-percent increase, and after a short strike they finally settled on a 10-percent increase. That dissatisfied a few of the men. According to the testimony before us, the next thing that happened was that the Labor Board permitted the C. I. O., apparently without any members to speak of in New Orleans, to file a special petition in Washington for recognition and for an election. Although the men were under contract with the A. F. of L. Longshoremen's Union, the Board permitted the petition to be filed—the whole thing was really conducted in Washington. First they sent the petition down and asked for a report from the regional director as to whether the C. I. O. had sufficient members to justify an election at all. He reported adversely. Nevertheless they were not satisfied with that and sent a special investigator to New Orleans to ascertain whether he could not find some case for the C. I. O. He could not find it. He came back, however, and reported that an election ought to be held.

So the next proceeding was that the Board ordered an election, although incidentally there was practically no evidence of even a foothold for the C. I. O. and although the A. F. of L. at the time had a contract with the employers at New Orleans.

Then, Mr. Bridges himself arrived in New Orleans with a large staff, and called a mass meeting. The longshoremen there are easily influenced, and, as the situation was fluid, it was hoped that the C. I. O. might be able to succeed.

Mr. Bridges held a mass meeting. The Board sent down a man named Lawrence Hunt to conduct an election. They would not let their own local representative in New Orleans conduct the election but sent another one down there. Mr. Googe testified:

A couple of nights before the election, Mr. Bridges being in town with his staff from the Pacific coast, held a mass meeting. This Mr. Hunt attended the mass meeting, sat upon the platform, addressed the Bridges mass meeting, and said that he was there to see that they got a square deal and a fair election, which technically may or may not have been all right; I don't know about technicalities because I am not a lawyer, but I know the psychological effect of having a special attorney to conduct the elections attending the Bridges mass meeting in New Orleans, sitting on the platform and making statements from the platform, had a deuce of a psychological effect.

The CHAIRMAN. Did you hold any mass meetings?

Mr. GOOGE. Yes, sir; but we did not have anybody from the Labor Board speaking.

The CHAIRMAN. Did you invite him to come?

Mr. GOOGE. He never came around us, Senator.

The CHAIRMAN. You knew that he was there?

Mr. GOOGE. Yes; I knew he was there, but frankly I would have been afraid that he would have made a speech for the C. I. O. if we had had him at our mass meeting.

There was an election held, and the A. F. of L. won by about 4 to 1. In other words, there never was any basis for the C. I. O. attempt to steal the longshoremen's union of the Southeast. That was not fair. It was a Bridges attempt to steal the longshoremen's union of the Southeast, and it was fomented and advanced by the National Labor Relations Board, of which Mr. Madden is a member. I cannot conceive of any Government body doing what the National Labor Relations Board has done in these cases. I think it is fair to say that they do represent the greatest perversion of justice that we have seen in the United States at any time.

Mr. LUCAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Ohio yield to the Senator from Illinois?

Mr. TAFT. I yield.

Mr. LUCAS. The Senator from Ohio a few moments ago was discussing the Fansteel case, which I believe arose in my State; and, incidentally, in discussing that case he also discussed a regulation relative to the issuance of subpenas in

behalf of the Board affecting employer and employee. The Senator did not dwell very long upon that point or upon the regulation which had been made, but as I understood there was a distinct difference in the regulation laid down as to the subpenas to be issued in behalf of the employer and those to be issued in behalf of the employee. Will the Senator, for my own information, state the substance of that regulation?

Mr. TAFT. If the Senator will wait a moment I will see if I can locate it. The substance of the regulation I know, but I want to find a case referring to it. The substance of the regulation was that the trial examiner could issue any subpena requested by the Board attorney, whereas the trial examiner could not issue a subpena for the employer, but the employer was required to come to Washington and get a subpena issued by the Board itself. The Board took the position that it had discretion to issue the subpena or not, which is true, as in the case of a court, which might say to a party to an action, "You are trying to duplicate evidence or you are wasting time," or something of that sort. But the mere fact that he had to come to Washington is what made it so difficult and handicapped the employers in their cases. The Board itself finally recognized that it was unfair, and after the hearings before the Senate committee I think they changed that regulation.

Mr. LUCAS. In the beginning, if I understand the Senator correctly, they did have a regulation involving that type of discrimination?

Mr. TAFT. Not only in the beginning but for 3 or 4 years, from 1935 to 1939, as I understand.

Mr. LUCAS. Was that regulation approved by the Chairman of the Board?

Mr. TAFT. It was the order of the entire Board.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. TAFT. Certainly.

Mr. BURKE. There was one case with which I am familiar in which the evidence showed that an attorney for the Board carried in his pocket blank subpenas and gave them to the representatives of the complaining union, which happened to be a C. I. O. union in that case. After talking to a witness, if they thought the witness would help them, the attorneys of the complaining union, or the representatives of the union, would fill in the name of the complaining witness, whereas in the same case the employer would be required to send to Washington a statement of the material facts which he expected to prove by each witness, and in the particular case the employers did not have their subpenas granted until the day after the hearing had closed; so they did not turn out to be of any great value.

Mr. TAFT. I come now to the Board's prejudice against independent unions. There is not any question, I will say, that the independent unions are largely company dominated, though, of course, it is perfectly possible to have an independent union which is not dominated by the company. Certainly if there is such a union the Board should recognize it. The report of the House committee on this subject is definite. It says:

> In regard to independent unions, the National Labor Relations Board has consistently pursued a policy aimed at the extermination of these nationally unaffiliated organizations. Hundreds of complaints have been issued charging companies with domination of independent unions under section 8 (2) of the act, and, in great part, they have been sustained by the Board. Perhaps the explanation for this lies in the attitude of Board employees—an example of which, taken from the opinion of the Seventh Circuit Court of Appeals in the A. E. Staley Co. case, is set out:
>
> "Disser (Board field examiner) informed petitioner (the company) that in his opinion no independent labor organization could exist without some form of company support, and that in every instance where the Board has proceeded against an independent organization the Board had never yet failed to find sufficient evidence with which to destroy the organization."

Disser's statement simply is not true. The Board wanted to rule out all independent unions, but the kind of evidence they found is often of a very shadowy character; and there are many places, particularly in the case of smaller companies in small towns, where the men—I have personally talked with the men—do not want somebody to come in from the outside, where their relations have been friendly, and where they want their own independent union to represent them.

Another comment from the regional director of the Detroit Regional Office in February 1938 reads in this way:

> So, now, to get the old "company-union club" polished up and go to work.

A third such comment from the regional director at Cleveland in 1937 says:

> In the last 2 weeks we have noticed an alarming growth of independent labor groups.

The report of the House committee says:

> This hostile feeling toward independent unions was by no means confined to the Board's field offices. A former regional director testified that he had been instructed by Krivonos, special investigator attached to the secretary's office, to file petitions of independent unions for certification as bargaining representative "in the ice box" and forget them.

That was the general attitude of the Board.

I said that in many cases there really was no evidence. In the case of the International Shoe Co., the Sixth Circuit Court of Appeals said that there was not even a scintilla of evidence to support the disestablishment of an independent union. It said:

> Counsel for the Board at the argument in this court frankly confessed the difficult task he had in justifying the findings by the evidence. It was at once apparent that the foundation for the findings [of fact] seemed shadowy and insubstantial. Counsel urged upon the court that it was necessary in this case to assemble all the facts, no one of which in itself was of much significance, and then to view the conglomerate in the light thrown on it by background.

Of course, the court reversed the Board in that case; but, in general, petitions for certification as representative are not subject to review by the courts, and consequently there is no appeal from the decision of the Board or its refusal to certify the particular representative. One of the amendments which we were considering, the so-called Smith amendment, provided that in such a case there might be an appeal to the courts on questions of certification.

There is a good deal of evidence in regard to the bias of various employees of the Board. In nearly every case Mr. Madden refused to dismiss them, although he knew how prejudiced they were. In other words, he gave support to their bias.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Ohio yield to the Senator from Alabama?

Mr. TAFT. Certainly.

Mr. BANKHEAD. I should like to ask the Senator a question in which a good many of us are interested. Is it likely that we are to have a night session?

Mr. TAFT. I can only tell the Senator about how long I shall take; I think probably not more than 20 or 25 minutes longer.

Mr. BANKHEAD. I thank the Senator.

Mr. TAFT. Perhaps the question of the Senator from Alabama should be addressed to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, if I may answer the question, I have been informally informed that there probably will be no other address on the subject, on either side, after the Senator from Ohio shall have concluded; and I hope we may get a vote on the nomination at that time.

Mr. TAFT. I should like to read to the Senator one or two instances of the kind of person the National Labor Relations Board employed. One of them was a Mr. Herbert J. Vogt. That gentleman was particularly active in the State of Iowa; and his position and bias are so clear that it is hardly necessary to read his own statements in various memoranda.

On September 27, 1938, for instance, Mr. Vogt wrote as follows:

> At present I am still bouncing around in the State of Iowa trying to raise all the hell that possibly can be raised, to the limits of our power, and taking care of it the best I can.

He was a field examiner for the National Labor Relations Board. I may say that the fact that he succeeded in "raising

all the hell" he could is proved by a letter written by the Senator from Iowa [Mr. HERRING] to Chairman Madden, in which he complained directly to Madden about the activities of this gentleman and his prejudices. He said:

> You will recall considerable correspondence which I had with you earlier as to Examiner Herbert J. Vogt and criticisms concerning his work in Iowa.
>
> This letter is to protest his return to Iowa.

He was sent back there.

> I assumed he has been discharged, as he should be, but, in any event, I must insist that someone else be sent into Iowa.
>
> May this matter have your earliest attention upon your return to Washington Wednesday?

That was October 10, 1938. I do not know whether Mr. Vogt remained after that or not, but, like the other members of the National Labor Relations Board, he attended C. I. O. mass meetings. He delivered an address to the C. I. O. the night before an election was to be held by the National Labor Relations Board in which he stated that a certain agreement had been abrogated by the company. He discussed the case and took a position against the company.

Part of the language used by attorneys in writing to Wiener, the regional director at Minneapolis, is rather significant. His own attorneys wrote to the regional director as follows:

> I had not supposed that the National Labor Relations Board or its officers or employees would demonstrate this much zeal in the outcome of any election, and I wish to believe it was personal with Mr. Vogt rather than with your office.

Even more remarkable is the fact that 10 days later Wiener very urgently recommended a salary increase for Vogt, using the following language in support of this request:

> Vogt has definitely made himself a part of the organized labor movement in the State of Iowa.

That is Mr. Wiener, one of the regional directors, recommending Mr. Vogt.

The able Senator from Iowa [Mr. GILLETTE] also wrote Mr. Madden a letter protesting about Mr. Vogt's activities. He said:

> I have been considerably disturbed at information that comes to my desk from Iowa and which is arousing much antagonism to the work of your Board in the administration of the present Labor Act. * * * Last evening a C. I. O. organization held a public meeting. This meeting was addressed by one Herbert Vogt, who informed the gathering that he was a representative of the National Labor Relations Board, * * * that he was taking an active part in the effort to secure organization for the C. I. O. The town is very much disturbed. They cannot understand why a representative of the Federal Government should be aiding one particular organization in its work.

Finally—there are various other rather interesting letters from and to Mr. Vogt—there is one from the leader of the present C. I. O. union in Iowa:

> However, I am going to try to settle this matter with you peacefully; therefore you will find enclosed an invitation to attend an entertainment and oyster supper to be held at the city hall in Estherville on December 6, a celebration of our victory in the Gamble Robinson case.
>
> Because this victory was made possible by your untiring efforts, the boys and myself feel that it is only fitting and proper that you attend this affair in order to help us celebrate it.

The record shows that in a relatively short space of time there were more litigations, more cases, more labor trouble in Iowa when Mr. Vogt was there than there ever had been before.

In a letter from Regional Director Wiener—Vogt's regional director—to Chairman Madden, it was stated that of the Iowa cases, 21.2 percent were closed by dismissal and 12.2 percent went to formal hearing. Wiener then said:

> These figures are being quoted to show you that Mr. Vogt has done an excellent job and has become part and parcel of the labor movement in the State of Iowa.

Vogt remained an employee of the Board until September 1940, for 2 years after the C. I. O. meeting and after the letter from the able Senator from Iowa; and then, due to personal differences with Wiener that resulted in charges of insubordination, he was discharged. The termination of Vogt's services was not due to his work as field examiner but was due to personal differences he had with his superior officer. Had not these differences occurred, Vogt would still be there.

Here was a man who showed every possible prejudice, whose activities were called to the attention of Madden himself as being prejudiced and completely in favor of one side of this controversy before the Board, and yet Madden does not dismiss him; he does not discipline him; he does not call him down. He lets the employee go on doing his work, "raising hell" in Iowa for the next 2 years, until he gets into a fight with a regional director, and then he is dismissed. That certainly does not show an impartial attitude on the part of Mr. Madden on the question of any desire that matters connected with the administration of the National Labor Relations Act be handled fairly, or with any kind of judicial nonpartisanship whatever.

Another man, named Maurice Howard, was a field examiner of the Board. The attention of Chairman Madden was called to Mr. Howard. Mr. Howard was interviewed by one of the Board's employees, who wrote to the Board:

> I had quite a long talk with Howard, and he is very frank in his attitude that the Board's chief value is in actively helping labor organize, rather than just to protect their right to organize. He doesn't think the Board is doing enough for labor at the present time and believes hearings should be held even when the Board obviously has no jurisdiction, if the holding of such hearings will help labor organization.
>
> He was unwilling to see anything done about the boilermakers' claim for representation in the Long View Fibre case, because he thought any such action on the part of the Board would hurt the C. I. O. and help the A. F. of L.

In spite of the report from the then secretary, nothing was done about Howard's activities for over 4 months. Then Chairman Madden did draft a letter reprimanding Mr. Howard, but largely because Smith objected he toned it down and did not make the reprimand very strong.

Howard was transferred to Los Angeles and then received an increase in pay. He remained the Board's employee for almost 3 years after his activities had been called to Madden's attention by the employees of the Board itself, who thought that Howard at least went too far in his bias and prejudice.

Probably the central feature of the Board was the Secretary's office, with his "goon" squad. I have referred already to Mr. Krivonos' activities in Ohio. The interesting thing about the secretary's office was that as soon as Mr. Leiserson was appointed he objected violently to the prejudices shown by the Secretary's office and objected violently to what he called his amateur detectives. He wanted to make over the personnel; and that was the only way in which the situation could possibly be cured. In that effort he met with the unyielding opposition of Chairman Madden, who lined up with Mr. Smith against Mr. Leiserson's efforts to clean up the situation.

Mr. Leiserson repeatedly wrote letters to Madden and Smith about the secretary's office, complaining of the character of the work, of its prejudice, and of its activities. He referred to "the usual irregularities in procedure characteristic of the secretary's office."

In answer to a request from Madden as to what the matter was, Dr. Leiserson said:

> I think it is time we looked around for a secretary who understands the administrative duties of the job and sticks to them instead of trying to stir up work for the Board.

Mr. Leiserson said further:

> They didn't know the facts in the cases, and their conversation showed that they would not understand the significance of the facts if they did know them.

This is the office on which the Board really relied for its main judgments and its main policy.

Dr. Leiserson said to the other two members of the Board:

> I think you make the mistake of acting on incomplete information or misinformation supplied by the Secretary's office. That is what balls up the cases.

Leiserson repeatedly protested against the retention of the secretary and of his employees. He stated that Mr. Witt's manner of handling certain cases made it impossible for him to have confidence in Mr. Witt's ability to perform his duties impartially as between various parties who brought cases

before the Board. Madden kept putting off and putting off, and finally, 6 months after Leiserson's appointment, Leiserson wrote this to the Board:

> My position is that I will not sign any decision I consider improperly handled by the Secretary's office. I have asked for changes in personnel in this office because I do not consider the Secretary and Krivonos competent and reliable. Those who insist on keeping these men in their jobs must assume responsibility for their work. I will not share it.

Of course, everyone saw that as soon as Mr. Millis was appointed, on his mere appointment, without further action, the Secretary of the Board and a number of other employees of the Board proceeded to resign, because they knew that Leiserson and Millis, the new majority of the Board, would not stand for the situation which existed there, or the obvious prejudice those officers had had.

Mr. DAVIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. Does the Senator from Ohio yield for that purpose?

Mr. TAFT. I yield.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

Adams	Caraway	Johnson, Calif.	Schwartz
Ashurst	Chavez	Johnson, Colo.	Sheppard
Austin	Clark, Mo.	King	Taft
Ball	Connally	Lee	Thomas, Utah
Bankhead	Danaher	Lucas	Townsend
Barkley	Davis	McCarran	Truman
Bilbo	Frazier	Mead	Vandenberg
Bone	Gillette	Miller	Van Nuys
Bulow	Green	Minton	Wagner
Bunker	Guffey	Neely	Wallgren
Burke	Gurney	Nye	Wheeler
Byrd	Hale	O'Mahoney	White
Byrnes	Hayden	Reynolds	Wiley
Capper	Holman	Russell	

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum is present.

Mr. TAFT. Mr. President, I wish only to refer to one additional case and then to sum up the argument I have made.

The last of the series of cases decided by the Supreme Court of the United States was the Republic Steel case, which was decided on November 12, 1940. In that case the Supreme Court of the United States again reversed the Board, because it had attempted to give back pay not only to the men who were entitled to reinstatement but also to the W. P. A. for the wages paid the men during the period they had been out of work. The Supreme Court of the United States held that the Board was usurping authority, and that it had gone far beyond any authority given in the act. Mr. Chief Justice Hughes said:

> To go further and to require the employer to pay to governments what they have paid to employees for services rendered to them is an exaction neither to make the employees whole nor to assure that they can bargain collectively with the employer through representatives of their own choice. We find no warrant in the policies of the act for such an exaction.
>
> In truth, the reasons assigned by the Board for the requirement in question—reasons which relate to the nature and purpose of work-relief projects and to the practice and aims of the Work Projects Administration—indicate that its order is not directed to the appropriate effectuating of the policies of the National Labor Relations Act, but to the effectuating of a distinct and broader policy with respect to unemployment. The Board has made its requirement in an apparent effort to provide adjustments between private employment and public-work relief, and to carry out supposed policies in relation to the latter. That is not the function of the Board.

I read that only because it sums up the general conclusion that throughout this situation the Board has gone far beyond the purposes of the act. It has usurped all kinds of power to proceed to carry out its ideas of what the economic situation in the United States should be.

To summarize what I have tried to show, in my opinion the record shows without question that Mr. Madden has no judicial qualifications whatsoever, and that throughout his entire term as a member of the National Labor Relations Board he has avoided in every way any possibility of showing any judicial characteristics. He has conceived of his position as one of crusading against employers and in favor of national labor organizations, particularly in favor of the C. I. O. At no point in that entire proceeding has he been interested in a reasonable, fair procedure. In the little things, such as the issuance of subpenas and the exclusion of evidence, the Board has ruled against the employer in every case, and has subjected his case to difficulties which the petitioner never has had.

In every possible way Mr. Madden and the Board have been prejudiced against the American Federation of Labor and against independent unions. They have repeatedly approved and increased salaries of employees whose prejudice was well known to them, regardless of what the record itself may have shown.

There is hardly an employer in the United States who does not feel today that the Board has exhibited a complete lack of judicial temperament, and that it is biased and prejudiced against employers as well as against the American Federation of Labor and the independent union.

I do not say that Mr. Madden should not have been appointed to some other position. I do not think his record for administration on the National Labor Relations Board as shown by Mr. Leiserson's criticism of the Board's salaried officers is anything to be proud of, and yet I certainly would have no objection to his appointment to an administrative capacity; but when it comes to appointing a judge of the United States Court of Claims, a life position with a salary of $12,000 a year, more than he was receiving as chairman of the National Labor Relations Board, then I say that the Senate itself has a duty to intervene and prevent an appointment which was obviously made not because anybody wanted Mr. Madden for judge of the Court of Claims—indeed I think he himself has said that he does not want to be a judge of the Court of Claims—but simply to satisfy people who were dissatisfied by the failure to reappoint him as chairman of the National Labor Relations Board. The courts of the United States ought not to be used as a means of trying to work out political situations; they should not be used as a means of kicking a man upstairs to get him out of a position where he has been so prejudiced and created so much opposition that his reappointment would meet with general disapproval.

I think our function under the Constitution is to confirm the appointment of men as judges only if they have the qualifications which we would like to see and which are necessary in any judge of the United States.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. TAFT. I yield.

Mr. CONNALLY. The Senator may have referred to it, but I have not heard him discuss the activities of Mr. Madden prior to his going on the National Labor Relations Board, his legal practice and experience and qualifications.

Mr. TAFT. I said in the beginning that Mr. Madden has never practiced law, but he has a very good record as a professor of law at various law schools. He went directly from law school to teach in the University of Oklahoma. He taught also in the law school of the University of Pittsburgh, and was dean of the West Virginia University Law School.

Mr. CONNALLY. May I ask the Senator in the case of law professors who never have practiced if any of their students should happen to get a case in the court where would they go for instruction as to what to do?

Mr. TAFT. Does the Senator mean for law graduates?

Mr. CONNALLY. I am talking about a professor who has never tried a case and who has never practiced, but has many students with whom he is dealing. Suppose one of them should get a case later on in life, what would he do about it?

Mr. TAFT. If the teachers taught him as our law teachers taught us, he would not pay much attention to what the teachers taught him, but he would examine the decisions of the courts on the particular point and try to find out what the law really was.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the confirmation of the

nomination of Joseph Warren Madden to be judge of the United States Court of Claims?

Mr. TAFT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WAGNER. Mr. President, before the vote is taken, I do not desire to consume any time of the Senate except to request permission to put in the RECORD matters from the record with reference to the disposition of cases before the Labor Relations Board. I ask unanimous consent that the compilation which I send to the desk may be printed in the RECORD at this point as part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

CONFIRMATION OF J. WARREN MADDEN AS JUDGE OF COURT OF CLAIMS

I. LEGAL BACKGROUND

Mr. Madden was born in Illinois; graduated from Northern Illinois State Normal School, and received A. B. and J. D. degrees from University of Chicago. He has won an honored place among the country's outstanding legal scholars.

Teacher of law: He has served as a professor of law at the following schools:

University of Oklahoma (1914–16).

Ohio State University (1917–21).

West Virginia University (1921–27), where he also served as dean of the college of law.

University of Pittsburgh (1927–35).

He has also served as law professor for brief, leave, or summer periods at:

Stanford University (1930–31; 1933).

University of Chicago (1925–28).

Cornell University (1930).

Practiced law: Rockford, Ill. (1916–17); Columbus, Ohio, (1917–21).

Author: Cases on Persons and Domestic Relations (1928); Treatise on Law of Domestic Relations (1931); Cases on Rights in Land (1934, with H. A. Bigelow); Introduction to Real Property (1934, with H. A. Bigelow). These works are recognized as foremost in their field.

American Law Institute: Since 1934, he has served as an adviser on the American Law Institute Restatement of Property and Torts. In that capacity he has greatly aided in the development of legal doctrines which are most directly involved in litigation before the Court of Claims.

Legal organizations: Mr. Madden is a member of the American Law Institute, the Pennsylvania and American Bar Associations, and of the bar of the United States Supreme Court.

Public service: While giving most of his time to law teaching, he has actively devoted himself to community, State, and national problems wherever his special training and knowledge would be of service. In 1920 Mr. Madden served as a special assistant in the office of the United States Attorney General. In 1925 he assisted the West Virginia commission on revision and codification in revising property statutes. He served as chairman of the Hill District Community Council, Pittsburgh, from 1933 to 1936; member of the board of Pittsburgh Federation of Social Agencies from 1933 to 1936, and member of board of directors of Pittsburgh Housing Association. In the field of industrial relations he was appointed to membership on the Governor's commission on special policing in industry, which rendered a notable report on the problem of company police; and also served as arbitrator in a serious Pittsburgh street railway dispute.

In August 1935 he was appointed Chairman of the National Labor Relations Board, where he served a full 5-year term.

Under Mr. Madden's guiding hand during this exceedingly difficult period, the Labor Act has won a permanent place in American life. His brilliant argument before the Supreme Court in the Jones & Laughlin case contributed greatly to the final victory. The soundness of his legal judgment in interpreting the law is confirmed by the best available test—a record of approval by our highest Court, surpassing that of any other administrative body in United States history, and even surpassing that of the lower Federal courts.

In the teeth of bitter criticism by antilabor elements in and out of Congress, the Board persevered in holding that bona fide collective bargaining required that agreements once reached shall be reduced to writing. This position has now been upheld by five different circuit courts of appeals and will undoubtedly be approved by the Supreme Court. Such written collective-bargaining agreements have become the prevailing pattern of employer-employee dealing in American industry. They are the essential foundation of industrial peace in our defense industries.

Every fair-minded person who has known Mr. Madden will agree with Senator ASHURST that he is "a gentleman of capability, experience, courage, and high character." (CONGRESSIONAL RECORD, November 29, 1940.) Without his dogged determination, integrity, and devotion to the true principles of the act, it could never have survived the bitter opposition directed at it in every forum. One may disagree with Mr. Madden's view in some isolated case or about some individual subordinate. But at this time it is only fair to pay him tribute for the service he has rendered in these 5 trying years—in establishing on a permanent footing what has been aptly described as the greatest advance in American democracy since woman suffrage.

The nomination to the Court of Claims represents for Mr. Madden a richly deserved promotion. Not a single person appeared in opposition at the public hearing held by the Judiciary Committee, and not a single member of that committee has been recorded in opposition. Mr. Madden will bring to this position not only his long experience in government, his admirable personal traits and judicial temperament, but also his acknowledged scholarship, in the fields of property and torts, so important to the work of that court.

On the entire record, I am completely in accord with the statement wired me by William Draper Lewis, director of the American Law Institute—that as a result of years of personal contact with Mr. Madden, "there is no man better fitted for the judicial office for which he has been nominated."

II. N. L. R. B. 5-YEAR RECORD (SEPTEMBER 1935 TO SEPTEMBER 1940)

Broadside criticism has been directed toward the N. L. R. B. on the basis of a comparatively few isolated cases or individual personnel. A proper evaluation of the work under Mr. Madden can be made only by examining the full record.

Cases handled: 29,806 cases (includes charges of unfair labor practices and petitions for elections) have been filed with the Board since its inception. These cases involved 6,417,545 workers.

Cases closed: 90 percent of all cases filed have been closed by Board action. Closed cases were disposed of as follows: 48 percent by agreement of parties, involving 2,063,433 workers; 17 percent by dismissal by Board or regional offices; 27 percent by withdrawal of charges or petitions; 8 percent by compliance with decisions or trial examiners' reports, certifications, issuance of cease and desist orders, transfers, dismissals of petitions or complaints, etc.

Thus 92 percent of cases closed were disposed of without formal hearings. Only about 3 percent of all charges of unfair labor practices have resulted in final cease-and-desist orders against employers.

Strike cases

Two thousand one hundred and sixty-one strikes were settled, and 869 immediately threatened strikes were averted through N. L. R. B. action. Practically all of the 26,724 cases closed involved a tendency toward industrial strife which was eliminated through prompt and satisfactory action by the Board.

Workers reinstated

Two hundred and eighty thousand one hundred and sixty-eight workers were reinstated after strikes or lockouts and 21,163 workers were reinstated after discriminatory discharges.

Elections

Three thousand four hundred and ninety-two elections were held, in which 1,261,130 valid votes were cast. Almost 10,000 petitions for elections or certifications have been filed, joined in by about 3,000,000 employees. Employers have filed petitions in 83 cases.

About 90 percent of those eligible have cast ballots in N. L. R. B. elections; in the recent General Motors election, the proportion voting exceeded 85 percent. By contrast, only about 62 percent of potential voters cast ballots in the 1940 Presidential election—70 percent in non-poll-tax States and only 21 percent in poll-tax States.

Litigation

No other administrative agency has equaled the Labor Board's record of approval by the courts. In the first 15 years of the Federal Trade Commission, with 22 matters coming before the Supreme Court, the Commission's contention was upheld in 5 cases, modified in 1 case, and wholly reversed in 16 cases. In the first 15 years of the Interstate Commerce Commission, the Commission's contention was upheld by the Supreme Court in 1 case, modified in 1 case, and wholly reversed in 10 cases.

By contrast, in the 25 cases decided by the Supreme Court involving the Labor Act during Mr. Madden's tenure as Chairman, the Board's position was fully upheld in 20 cases, modified in 3 cases and wholly reversed in only 2 cases. In 16 additional cases, the Supreme Court, by denying writs of certiorari, left in force decisions of circuit courts enforcing N. L. R. B. orders. In the circuit courts of appeals, 102 N. L. R. B. final orders have been enforced in toto or with modification, and only 23 final orders have been set aside in toto. Consent-enforcement decrees have been entered in 300 cases. In more than 100 suits filed in district courts to enjoin N. L. R. B. proceedings, the Board was ultimately successful in every case.

In this mass of litigation, the N. L. R. B. has ultimately been held to have exceeded its interstate commerce jurisdiction only once.

Increase in union membership

Under the protection of the act membership in labor organizations has increased more rapidly than in any similar period in our history. Total union membership has increased from 3,600,000 workers in 1935 to almost 9,000,000 in 1940.

Increase in collective agreements

The increasing acceptance of the practice of collective bargaining is evidenced by the recent tremendous increases in the number and coverage of agreements between employers and trade-unions, especially since 1937. For example:

Steel industry: 670 agreements outstanding in 1940, as compared with practically none prior to 1937;

Automobile industry: Over 1,100 agreements outstanding in 1940, as compared with almost complete open-shop conditions prior to 1937;

Electrical equipment industry: 400 agreements now outstanding (300 with International Brotherhood of Electrical Workers, affiliated

with A. F. of L.), in an industry largely untouched by union organization prior to 1933;

Machinery and allied trades: 5,000 agreements outstanding, reported by the International Association of Machinists, affiliated with the A. F. of L., as compared with 1,500 in 1937;

Newspaper publishing industry: 940 agreements with various crafts are now outstanding, as compared with 582 in 1937;

In the year 1939–40, 600 written agreements were directly brought about by National Labor Relations Board action.

Civil liberties

The act has made civil liberties a reality to millions of wage earners, now enjoying unhampered for the first time their constitutional rights of free assembly, speech, press, ballot, and privacy. Among other notable achievements in this field, the National Labor Relations Board has brought about a rebirth of civil liberties in Harlan County, transformed many company towns into free, self-respecting communities; and courageously disclosed labor-spy activity in its early cases, thus laying the groundwork for the La Follette committee investigation.

Reduction in labor strife

General decline: Although union membership, employment, and production have been on the increase, every year since the act was upheld by the Supreme Court has seen a decline in number of strikes—from 4,740 in 1937 to about 2,200 in 1940—a drop of over 50 percent. Time lost in strife has dropped from 28.4 million man-days in 1937 to about 6.3 million in 1940—a drop of over 75 percent. Less working time was lost in 1940 than in any year in the last decade. In proportion to total population, this country has had fewer strikes in 1940 than Great Britain.

Sit-down strikes declined from a peak of 170 in the single month of March 1937 to 6 in the entire year 1939.

Interstate industries: Industrial strife has tended to decline faster in industries wholly or partly subject to the act than in intrastate industries.

Duration of strikes: The average working time lost per striker since the act was upheld has been lower than in the 10-year period preceding, thus showing the effectiveness of existing public and private machinery for prompt settlement of differences.

"Organization" disputes: In 1938 and 1939 only about 15 percent of striking workers were concerned with recognition and discrimination issues, as against 51 percent in 1937, 42 percent in 1936, 50 percent in 1934, 40 percent in 1933, and an average of 30 percent in the period 1928 to 1932, inclusive.

N. L. R. B. cases: Since the first Supreme Court decisions upholding the act in 1937 a high and increasing proportion of workers have taken their "organization" disputes to the N. L. R. B. rather than fight them out on the picket line. Indications of increasing compliance with the act are (1) number of new cases filed in 1939–40 dropped 700 below 1938–39; (2) the proportion of election cases filed has doubled since the first year of the act's operation.

Upon this record, if the basic principles of the law remain unimpaired and it is supported by adequate appropriations for its operation, we may look forward confidently to the complete elimination of the wasteful, bitter, and often bloody struggles over the fundamental right to organize and bargain collectively. This is what the act was designed to do.

C. I. O.-A. F. of L. issues

Handling of cases (fiscal year 1939–40):

Received 2,933 A. F. of L. cases—or 732 more than C. I. O.

Closed 3,284 A. F. of L. cases—or 403 more than C. I. O.

Settled by informal action 1,487 A. F. of L. cases—or 452 more than C. I. O.

Received 1,800 A. F. of L. charges and 1,443 C. I. O. charges. Closed 2,019 A. F. of L. cases and 1,877 C. I. O. cases.

Received 1,133 A. F. of L. petitions and 758 C. I. O. petitions. It closed 1,265 A. F. of L. cases and 1,004 C. I. O. cases.

Reinstated 5,000 A. F. of L. workers after discrimination; 4,500 C. I. O. workers and 500 unaffiliated workers.

Elections: A. F. of L. appeared on ballots 734 times and won 386 elections; C. I. O. appeared on ballots 692 times and won 407 elections.

Collusive contracts: The N. L. R. B. has been widely charged with exceeding its authority in setting aside contracts obtained by a labor organization as a result of employer interference or favor. The Supreme Court has just unanimously upheld the Board's position in this respect. (N. L. R. B. against Serrick Corporation, decided November 12, 1940.)

Bargaining unit: The majority report of the Smith committee, just released, declares: "In connection with disputes over the appropriate unit, the former chairman of the Board has quite consistently subscribed to the use of a formula giving craft-union employees an opportunity to determine whether they desire to be represented by a craft union or whether they desire to be included in a large unit embracing employers generally. He subscribed to the so-called 'Globe doctrine'." Other members of the Board have not agreed to the application of this doctrine where the craft had had no prior history of successful collective bargaining in the plant (E. S. Smith), or where there was outstanding an exclusive bargaining contract with an industrial union (Leiserson). Madden has repeatedly dissented where a Board majority declined to apply the Globe doctrine (e. g. American Can Co.).

In other words, charges that N. L. R. B. decisions in this difficult field indicate bias against craft unions, cannot possibly be directed at Mr. Madden.

III. GOVERNMENT CONTRACTS AND THE FORD CASE

Defense Commission policy: On September 6 the Defense Commission unanimously adopted and published a statement of policy governing the letting of defense contracts, including the following:

"All work carried on as part of the defense program shall comply with Federal statutory provisions affecting labor wherever such provisions are applicable. This applies to the Walsh-Healey Act, Fair Labor Standards Act, the National Labor Relations Act, etc" (H. Doc. 950).

Ford Motor Corporation: The Ford Motor Corporation received on November 6 a contract for 3,000 airplane motors costing $122,000,000; and was also awarded on November 27 a $2,000,000 contract for combat cars. Both contracts were awarded without competitive bidding. The first contract is justified on the ground of imperative need for Ford's facilities; the second apparently cannot be so justified.

The Ford Co has been found guilty of violations of the Labor Act in six separate rulings by the N. L. R. B., concerning plants at Dearborn, Dallas, Buffalo, Somerville (Mass.), St. Louis, Long Beach (Calif.). Hearings have been held and decisions are pending in three additional cases, concerning plants in Richmond (Calif.), Chicago, and Kansas City.

The N. L. R. B. decision in the Dearborn case has been upheld by the Circuit Court of Appeals (except as to the issuance of leaflets by Ford). Ford is appealing to the Supreme Court. The Circuit Court decision upholds the N. L. R. B. in finding that Ford had discharged 24 men for union activity, viciously and brutally assaulted union representatives peacefully attempting to distribute union literature, and assaulted union organizers driving past the plant.

The findings in the above case were made in 1937. In a more recent decision, issued August 8, 1940, the Board found on the basis of overwhelming evidence that in its Dallas, Tex., plant, the Ford Co. had engaged in labor espionage, organized a strong-arm squad that terrorized and assaulted union members and organizers, discharged two men for union activity, and compelled employees to contribute to an anti-union campaign by the company's agents. The Board has found that this program of systematic terror was approved by the main office of the corporation in Dearborn. The Board's findings were supported by uncontradicted testimony of company agents and victims of the acts of violence.

The issue in the Ford case is not whether a corporation should be barred from Government contracts because of a mere technical or minor violation of law. The question is whether a corporation with a labor policy so outrageous and un-American should be given the benefit of Government contracts and whether employees so treated can be relied upon by the country at large to produce armaments essential for the national defense.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the pending nomination? On that question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLMAN (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. STEWART]. I transfer that pair to the junior Senator from Kansas [Mr. REED] and will vote. I vote "nay."

Mr. THOMAS of Utah (when his name was called). On this question I have a pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the junior Senator from Alabama [Mr. HILL] and will vote. I vote "yea."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote on this question, I withhold my vote.

Mr. VANDENBERG (when his name was called). On this question I am paired with the senior Senator from Mississippi [Mr. HARRISON]. If he were present, he would vote "yea." If I were at liberty to vote, I should vote "nay." I am unable to obtain a transfer and therefore withhold my vote.

The roll call was concluded.

Mr. DAVIS (after having voted in the affirmative). I have a general pair with the Senator from Kentucky [Mr. CHANDLER]. I am advised that if he were present he would vote as I have already voted. Therefore I will let my vote stand.

Mr. BANKHEAD (after having voted in the affirmative). I have a general pair with the Senator from Oregon [Mr. MCNARY]. I transfer that pair to the Senator from Florida [Mr. PEPPER], and will let my vote stand.

Mr. MINTON. I announce the necessary absence from the Senate of the Senator from North Carolina [Mr. BAILEY], the Senators from Mississippi [Mr. BILBO and Mr. HARRISON], the Senator from Michigan [Mr. BROWN], the Senator from

South Dakota [Mr. BULOW], the Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senators from Louisiana [Mr. ELLENDER and Mr. OVERTON], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from New Mexico [Mr. HATCH], the Senator from Iowa [Mr. HERRING], the Senator from Alabama [Mr. HILL], the Senator from West Virginia [Mr. HOLT], the Senator from Delaware [Mr. HUGHES], the Senators from Oklahoma [Mr. LEE and Mr. THOMAS], the Senator from Connecticut [Mr. MALONEY], the Senators from Tennessee [Mr. MCKELLAR and Mr. STEWART], the Senator from Montana [Mr. MURRAY], the Senator from Florida [Mr. PEPPER], the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], and the Senator from Massachusetts [Mr. WALSH].

Mr. AUSTIN. I announce the following general pairs:

The Senator from Oregon [Mr. MCNARY] with the Senator from Alabama [Mr. BANKHEAD].

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS].

I am advised that my colleague, the Senator from Vermont [Mr. GIBSON], would vote "yea" if present.

The Senator from Oregon [Mr. MCNARY] is absent on account of illness.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Kansas [Mr. REED], the Senator from Massachusetts [Mr. LODGE], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The result was announced—yeas 36, nays 14, as follows:

YEAS—36

Adams	Connally	Lucas	Schwartz
Ashurst	Danaher	McCarran	Sheppard
Bankhead	Davis	Mead	Thomas, Utah
Barkley	Gillette	Miller	Truman
Bone	Green	Minton	Van Nuys
Bunker	Guffey	Neely	Wagner
Byrnes	Hayden	O'Mahoney	Wallgren
Caraway	Johnson, Colo.	Reynolds	Wheeler
Chavez	King	Russell	Wiley

NAYS—14

Austin	Capper	Hale	Taft
Ball	Clark, Mo.	Holman	White
Burke	Frazier	Johnson, Calif.	
Byrd	Gurney	Nye	

NOT VOTING—46

Andrews	Ellender	Lee	Smathers
Bailey	George	Lodge	Smith
Barbour	Gerry	McKellar	Stewart
Bilbo	Gibson	McNary	Thomas, Idaho
Bridges	Glass	Maloney	Thomas, Okla.
Brooks	Harrison	Murray	Tobey
Brown	Hatch	Norris	Townsend
Bulow	Herring	Overton	Tydings
Chandler	Hill	Pepper	Vandenberg
Clark, Idaho	Holt	Radcliffe	Walsh
Donahey	Hughes	Reed	
Downey	La Follette	Shipstead	

Mr. CLARK of Missouri. Mr. President, may the result be again announced?

The PRESIDENT pro tempore. There are 36 yeas and 14 nays. Therefore, the Senate advises and consents to the nomination of Mr. Madden.

Mr. BARKLEY. I ask that the President be notified, Mr. President.

The PRESIDENT pro tempore. Without objection, the President will be notified.

POSTMASTER—JOHN LESTER GREENE

During the delivery of Mr. TAFT's speech,

Mr. HAYDEN. Mr. President, will the Senator from Ohio yield to me?

Mr. TAFT. Certainly.

Mr. HAYDEN. By direction of the Committee on Post Offices and Post Roads, I report favorably the nomination of John Lester Greene to be postmaster at Broken Arrow, Okla. I ask unanimous consent that the nomination be confirmed and the President notified.

The PRESIDING OFFICER (Mr. LEE in the chair). Is there objection to the present consideration of the nomination? The Chair hears none.

The legislative clerk read the nomination of John Lester Greene to be postmaster at Broken Arrow, Okla.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11:30 o'clock a. m. tomorrow, to meet in the regular Senate Chamber.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until tomorrow, Friday, January 3, 1941, at 11:30 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 2, (legislative day of November 19, 1940), 1941

UNITED STATES COURT OF CLAIMS

Joseph Warren Madden to be a judge of the United States Court of Claims.

DEPARTMENT OF COMMERCE

Edward P. Warner to be a member of the Civil Aeronautics Board in the Department of Commerce.

POSTMASTER

John Lester Greene, Broken Arrow, Okla.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 2, 1941

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art above all things—all tumults, all conflicts, all life, and supreme from everlasting to everlasting—hear us while we pray; let the musings of the eternal mind murmur around us. In our relation to our country, our homes, the good, the bad, the rich, and the poor, we pray that the sweetness and the tenderness of the Christian spirit may assert itself. Oh, let our souls bring from the fields of valiant faith the living sheaves of God. Blessed Father, may the hungry have bread, the homeless shelter, and our people everywhere comfort; help us all to follow the heavenly music of our Master's message. Our loved ones near and far, ever keep them beneath the shadow of Thy wing. We rejoice that Thou hast been our dwelling place in all generations. Before the mountains were brought forth or ever Thou hadst formed the earth and the world, even from the beginning of time, Thou art God. Let Thy work appear unto Thy servants and Thy glory unto their children. When our course runs out at the ebb of the world that we love so dearly, may we have a welcome to our Father's arms, through Him who became the manger Babe but now is glorified forever as the world's Saviour. In our dear Redeemer's name. Amen.

The Journal of the proceedings of Monday, December 30, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 7965. An act for the relief of Mr. and Mrs. T. G. Ramsey;

H. R. 10712. An act to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.; and

H. J. Res. 623. Joint resolution to extend the date for filing a report by the United States Commission for the Celebra-

tion of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that at the conclusion of the special orders of the day and the disposition of the legislative program today I may be permitted to address the House for 10 minutes on the proposal of the Federal Reserve Board.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE FEDERAL RESERVE BOARD

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

AGAINST FEDERAL RESERVE BOARD PROPOSALS

Mr. PATMAN. Mr. Speaker, the Federal Reserve Board, through Mr. Eccles, has made some very startling proposals. They are startling, coming from a Board that has caused this country so much misery and misfortune in the past. As one Member of Congress, I expect to oppose what Mr. Eccles has proposed to this Congress. We gave him power one time and he abused that power, and the Board on a number of occasions has abused its power. In 1936 and 1937 they doubled the reserve requirements of banks and thereby plowed under about $3,000,0000,000, and put this country into a tailspin from which we have not fully recovered.

I think instead of giving them more power we should abolish that Board and establish a new agency that will be an agency of the Congress to deal with these matters. [Applause.]

[Here the gavel fell.]

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

Mr. RANKIN. Mr. Speaker, reserving the right to object, I want to ask the gentleman a question.

The SPEAKER. The time of the gentleman has expired.

Mr. RANKIN. But the gentleman has asked unanimous consent to revise and extend his remarks, and I reserved the right to object. Let me ask the gentleman from Texas if it is not a fact also that the Federal Reserve Board, in 1920, right after the close of the World War, arbitrarily raised the rediscount rates and compelled the calling of loans that threw this country into a panic and broke practically every farmer in America?

Mr. PATMAN. I think the gentleman is correct in his statement.

Mr. COX. Will the gentleman yield? Is it not a fact that one of the serious objections raised against the Federal Reserve Board is that they will not recognize soap wrappers as good money? [Laughter.]

Mr. RANKIN. I will say to the gentleman from Georgia that it is owing to whose soap was wrapped in it. They do not seem to recognize anything except the interest of a certain group of bankers.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RESIGNATION FROM HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation:

DECEMBER 31, 1940.

Hon. SAM RAYBURN,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I have today transmitted a letter of resignation as a Representative in the Congress of the United States from the Eleventh District of Missouri to the Governor of Missouri, my resignation to become effective as of January 1, 1941, as upon that day I am taking the oath of office and qualifying as circuit attorney for the city of St. Louis.

Respectfully yours,

THOS. C. HENNINGS, Jr.

SIGNATURE TO ENROLLED BILLS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House the Clerk may be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills passed by the two Houses and found duly enrolled.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HOUSE CHAMBER

The SPEAKER. The Chair desires to announce that the temporary repairs to the Capitol have been completed and that the opening session of the Seventy-seventh Congress will be held in the Chamber of the House of Representatives at the Capitol at noon on Friday, January 3, 1941.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent that after disposition of matters on the Speaker's table and any other special orders I may be permitted to address the House for 8 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEWIS of Ohio. Mr. Speaker, I ask unanimous consent that after the disposition of the special orders already made I may be permitted to address the House for 10 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the President's speech and to include therein a very favorable appraisal, an editorial from the New York Times.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE ON WILD LIFE CONSERVATION

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a report on behalf of the Select Committee on Wild Life Conservation pursuant to House Resolution 65.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, is this a unanimous report of the committee?

Mr. ROBERTSON. It is a unanimous report.

Mr. MARTIN of Massachusetts. There are no minority views?

Mr. ROBERTSON. It was revised today. I could not, therefore, file the report until today.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein the text of a bill which I shall introduce tomorrow.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House today for 8 minutes after the other special orders.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House today for 10 minutes at the conclusion of the other special orders.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein one resolution from the State Hotel Men of California and two resolutions from the California State Firemen's Association.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein

a speech delivered by Hon. Joe Hutcheson, Jr., United States circuit judge of Texas, at Stratford, Va., October 12, the anniversary of the death of General Lee. With the accompanying notes and quotations, it will exceed by one page the two pages allowed under the rule. I ask unanimous consent that notwithstanding this I may extend it.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, if every local union in the country would take the attitude toward national defense that was taken by the members of Local Union 1864, S. W. O. C., of Berwick, Pa., in my congressional district, there would be no cessations of work on materials necessary for national defense. I quote from an article which appeared in the Berwick Enterprise:

WALK-OUT ENDS AS UNION VOTES TO RETURN TO WORK—RESPOND TO PRESIDENT'S PLEA OF NO CESSATION AND MEN BACK TODAY—SOLICITORS AT GATES

Members of Local Union 1864, S. W. O. C., voted to return to work today in response to the plea of the President of the United States that there be no cessations of work on national-defense contracts.

Feeling that it is their patriotic duty to cooperate with the national-defense program, the union members also voted to make up for the loss of the day's production by either working on a Saturday at straight time, or else working extra hours each evening at straight time until the time is made up, whichever the company desires.

A resolution adopted at the union meeting last night at West Side Park pointed out that the union feels that the stoppage of work yesterday was justifiable in the light of the incidents which provoked it, and that it was only because of the national emergency that the union took immediate steps to resume production and make up for any losses.

The members of the union are employed by the American Car & Foundry Co., which is engaged in building tractors.

I congratulate the members of Local 1864 on their good sense and patriotism.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a short newspaper article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 6 minutes today after the other special orders.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD, and include an editorial from the current issue of the Saturday Evening Post.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. COLE] may have an indefinite leave of absence on account of illness.

The SPEAKER. Without objection, it is so ordered.

Mr. MARTIN of Massachusetts. Mr. Speaker——

The SPEAKER pro tempore (Mr. MCCORMACK). The gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 647

Resolved, That the thanks of the House are presented to the Honorable SAM RAYBURN, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over its deliberations and performed the arduous duties of the Chair.

[Applause, the Members rising.]

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. MARTIN of Massachusetts. Mr. Speaker and my colleagues of the Seventy-sixth Congress, it is a distinct pleasure for me to offer this resolution on this occasion, which I believe we all will agree is the final session of this Congress. [Applause.] It is a pleasure to offer the resolution because it signifies my honest appraisal of a warm personal friend and one who has endeared himself to every Member of this House.

As majority leader the gentleman from Texas [Mr. RAYBURN] acquitted himself as a great American and as an able leader of a great party. He won the affection and respect of everyone, and we were all happy to see him elevated to the high position of Speaker. In the performance of the duties of the great office of Speaker he has given evidence of what we expected. He was able, impartial, and just, fully measuring up to the many brilliant Speakers who have preceded him. I am happy to pay through this resolution this tribute to a great American and a great parliamentarian.

I also wish to express at this time my appreciation of my good friend the gentleman from Massachusetts, who has lately been elected majority leader of the House. I have been privileged to enjoy his friendship for a good many years and I know the Democratic Party has honored itself in electing him to that high position.

If I may, I want also to express my appreciation to my own good friends on the Republican side of the aisle, who have so loyally supported me in my endeavors during the last 2 years. I am profoundly gratified and appreciative for their loyalty and splendid cooperation. [Applause.]

I wish to thank also those on the majority side for their many indications of approval and respect shown me. We all come to Congress actuated by but a single purpose, and that is to promote the welfare of the common country. We may differ as to how that objective may be achieved, but I believe all will agree with me we are all honest in our convictions and our purposes. That is what makes it possible for us to have such a splendid comradeship in the House. It is through honest differences of opinion and debate we reach the best conclusions. This is Americanism functioning in the American way. This must be continued if the people are to rule.

Mr. Speaker, I move the adoption of the resolution. [Applause.]

The SPEAKER pro tempore (Mr. MCCORMACK). The question is on agreeing to the resolution offered by the gentleman from Massachusetts [Mr. MARTIN].

The resolution was unanimously agreed to.

The SPEAKER. May I thank the gentleman from Massachusetts [Mr. MARTIN] and all of my colleagues. Tomorrow I hope to have the opportunity of making a statement to the House of Representatives and the new Congress.

To those who are leaving us I want to say that you carry with you into private life our friendship and our high regard. Many of you we hope and expect to see back here some time in the future.

CHOCTAW INDIANS OF THE STATE OF MISSISSIPPI

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3524) conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi and its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. PITTENGER].

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from Minnesota explain the bill?

Mr. PITTENGER. Mr. Speaker, this is a jurisdictional bill which was reported by the Committee on Indian Affairs. The gentleman from Wisconsin [Mr. SCHAFER] made a favorable report on this bill by direction of the Committee on Indian Affairs. The gentleman from Oklahoma [Mr. ROGERS] is interested in the bill. If he is here, I shall yield to him at this time for an explanation if he so desires.

This bill was framed to meet certain veto objections to another bill and, as I understand, it has the unanimous report of the Committee on Indian Affairs. The bill confers

jurisdiction on the Court of Claims to consider various Indian claims against the Government.

Mr. MARTIN of Massachusetts. These are claims that Congress has turned down in previous years?

Mr. PITTENGER. No; I do not think they have ever been presented to the Court of Claims.

Mr. MARTIN of Massachusetts. How old are these claims?

Mr. PITTENGER. I cannot say how old they are. They grew out of treaties and the failure of the United States Government to live up to its treaty obligations. There was only one objection to this bill when it was presented some 2 weeks ago and at that time it was not altogether an objection as I understand the situation. The request was made that it go over until another date.

Mr. MARTIN of Massachusetts. This permits the Indians to go to court and have their claims heard?

Mr. PITTENGER. That is correct. It does not involve an appropriation of money but simply permits the Indians to go into court, and if they have a legitimate claim under their treaties and dealings with the Government they will have a chance to establish that claim.

Mr. MARTIN of Massachusetts. How much money is involved?

Mr. PITTENGER. I do not believe I can state that. I do not think anyone knows.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, I received a letter from the Department of Justice in reference to this bill and in its present form, as reported by the Committee on Indian Affairs, it is highly objectionable because it takes away from the Government the power to defend itself in the Court of Claims; therefore I object.

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi [Mr. RANKIN] is recognized for 10 minutes.

AGRICULTURE AND THE FEDERAL RESERVE SYSTEM

Mr. RANKIN. Mr. Speaker, as the Representative of an agricultural State, and one who was sent to the Congress by the toiling farmers and the small businessmen of his district, I rise to voice my opposition to the most dangerous suggestions that have just been made by the representatives of the Federal Reserve System—a proposal to take from the Congress and the President of the United States and vest in the hands of a banker's fascisti the constitutional prerogative of controlling our monetary system.

The Constitution says that the Congress shall have the power to "coin money and regulate the value thereof"; yet, spread all over the front pages of the metropolitan press this morning, we find a suggestion by these bankers, these representatives of the vested interests, that the Congress and the administration surrender their prerogatives, their control over the finances of the Nation, and turn them over to these selfish interests, thereby establishing a financial fascisti in this country as dangerous, in my opinion, as any fascisti that exists in any other section of the world, so far as the toiling farmers of this country are concerned.

In 1920 the Federal Reserve System, under Gov. W. P. G. Harding, after collusion with certain big financial interests, and in the midst of crop time, when wheat, cotton, and corn were in the field, arbitrarily raised the rediscount rate and called loans all over the Nation, driving the prices of wheat, corn, cotton, hogs, lumber, and other raw materials far below the cost of production. It brought on one of the greatest depressions in all the history of the Nation and ruined farmers in every section of the country, and especially in the South and West.

In 1929, when the Hoover panic came on, they attempted to save a few big financial institutions, but let the farmers of the Nation go to ruin.

What they want to do now is free certain investments and guarantee that they will be paid for out of the blood and sweat of the American people. What they want to do is to stabilize the farmers of the country in their present misery. Agricultural prices are all out of line with the prices of things the farmer has to buy, with the result that the farmers of this Nation are losing their homes in every State in the Union. They are selling wheat and cotton at the same price or below the price at which they were sold during the Taft administration, when the farmers of the West, joining with the farmers of the South, revolted and changed the administration. The large banking institutions and the large insurance companies own more farms today than in all the history of the country, and more farmers are going into bankruptcy because of the low prices of the things they have to sell.

I read to the Congress just the other day a statement showing that our program of limiting farm production has increased production of cotton in Brazil. Where they made less than 100,000 bales of cotton in the State of Sao Paulo, Brazil, in 1932, in 1939 they made 1,260,000 bales, which is more than the State of Mississippi will make this year, and remember that Mississippi is the second largest cotton-growing State in the Union.

It makes me sympathize with the farmers from the West and the Midwest who are complaining that their meat market is being transferred to Argentina when I see this condition prevailing throughout the length and breadth of the land.

If we agree to this proposal and take from ourselves and from the President this power of control over our financial system what can we hope for? Shall we continue to borrow from the rich to give to the unemployed poor, to pile up a national debt for our children and our children's children to pay interest on for the next thousand years? Does any intelligent man think that we can ever balance the Federal Budget on the present price levels? Are we to gather the gold of the world and bury it in the ground in Kentucky, denature it, if you please, and refuse to issue money against it, and then turn it over to this banking fascisti, while the farmers and small businessmen of the Nation are ground into the dust of depression and their hopes for recovery destroyed? I, for one, do not propose to remain silent while such a proposition is being advocated.

I was one of the men who introduced the bill to give the President the right to reduce the gold content of the dollar and to give him the right to issue $3,000,000,000 in currency. My only regret is that he has not exercised it. If he had issued that $3,000,000,000 in 1933, in my opinion we would have averted a great deal of the troubles through which we have passed.

The small farmer, the man who tries to own his own home, the man who is maintaining this Government, the man whose son volunteered first, is losing his home because he is compelled to sell his crops below the cost of production and to leave home and seek employment in some other enterprise in order that he may be able to meet his daily needs.

What are we coming to? What will the Republic be worth when you destroy these people who produce the raw materials that feed and clothe the world? What is the world fighting about today? Living space, soil, territory, raw materials of every kind of which we can produce an abundance.

If we follow this dangerous policy that is outlined by the Federal Reserve System, we will finish the strangulation of the toiling farmers of America. I for one do not propose to sit idly by and see them get by without a protest. [Applause.]

EXTENSION OF REMARKS

Mr. HOFFMAN asked and was given permission to revise and extend his remarks in the RECORD.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein a resolution of inquiry regarding Nazi and Communist activities in the other American republics.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

The SPEAKER. Under the previous order of the House, the gentleman from Michigan [Mr. WOODRUFF] is recognized for 8 minutes.

THE UNITED STATES AND THE EUROPEAN WAR

Mr. WOODRUFF of Michigan. Mr. Speaker, aside from any question of where the sympathies of the American people

lie in the present World War, and aside from any question of the extent to which the American people are willing to go in aiding Great Britain, Greece, and China in the wars, and aside from any question of whether or not the opposition of an overwhelming percentage of the American people against our becoming involved in the war has been changed by propaganda into a willingness to go part way into the conflict, it remains a grave and important fact that the American people, who will have to do the fighting and the dying and the paying in any war in which we are concerned, ought to be told frankly and candidly just whither we are bound, what steps are being taken to get us there, and what the military, economic, political, and sociological results will be.

Therefore, it is aside from all of these considerations, and solely in the interest of giving the people a chance to look squarely at facts which are having and will continue to have a grave bearing upon their welfare, if not their lives, that I am making this statement today.

The administration's proposal to make the United States "an arsenal" for Great Britain, Greece, and China is a proposal to take the United States into the war further and further, step by step, on the lease-lend plan without the consent of the Congress or of the people.

Of course the United States is in the war now—and has been for many months. We were taken into the war by Presidential action without the knowledge or consent of either the Congress or the people. That fact is not now denied by those who would deal frankly with this question.

The latest proposal to "lend" or "lease" equipment and munitions of war, food, clothing, and other necessities to Great Britain and her allies, and to China, is a proposal to give all these supplies and equipment to the belligerents on one side of the conflict. The shallow pretense that the billions piled upon billions of dollars' worth of equipment and supplies will be returned "in kind" after the war is so absurd as to be an insult to American intelligence. Not a dime or a dollar's worth of equipment or supplies "in kind" will ever come back to us after the war, and no one knows that any better than the President and his advisers.

Now that the neutrality statutes have been summarily kicked aside and the United States is in the war, actually if not actively and aggressively, the administration proposal is for us to act as the world's banker for war. That also means that after the war is ended we will be called upon to act as the world's banker for rehabilitation and recovery. That we will be propagandized to feed the world and to provide the money for rebuilding it after the war is over is just as certain as it is that we are being taken actively into the war now against the overwhelming opposition of the American people.

Our national debt will rise to uncounted billions not now even foreseeable or imaginable.

All of these are facts of today. Regardless of whether or not we agree or disagree with the policy behind them, it certainly is true that the American people ought to face squarely the facts and the fruits of the administration's policy so the Nation may know whither we are being led, what we are getting into, and what we must look forward to in the future.

The propagandists for war currently insist that our contribution will be dollars and not men. A little while ago these same propagandists were vehemently insisting that if we would only manufacture and sell planes and other munitions and implements of war to Britain and France there would be neither need nor demand on the part of Britain and her Allies for money or credits.

It is a fact which cannot be denied by any honest and intelligent person that England cannot be the victor in this war, Germany and Italy cannot be defeated, and the subjugated countries released from the oppressions of these dictators without a huge army fighting its way through the subjugated countries and into Germany. England does not have this manpower, and it is perfectly certain that when we are in the war far enough the demand will come for an American expeditionary force of several million American boys to be sent across to do the fighting. The Navy will, of course, go in first.

Whether all of these moves are or are not proper ones, it is dishonest, un-American, and utterly dangerous to the security of this Nation to try to fool the American people into this war. The necessity now is for a united nation to put forward every possible effort to build up a defense and to send aid to Britain, Greece, and China, since we are now fully and irretrievably embarked on that course. Common sense ought to show the members of the administration and the Congress, as well as the leaders of thought in every section of the country that if the American people are fooled into this war, if they are blindfolded and led step by step into it, we will not be in the war as a united nation but as a divided nation—and that would be fatal in any event.

The American people are entitled to the truth about what is being done. Some of us in Congress are still determined that they shall have those facts, insofar as it remains in our power to reveal them.

Of course, since the President's radio address of Sunday evening, December 29, any citizen, Member of Congress or otherwise, who dares to call for facts, logic, and reason instead of agreeing with whatever policy the administration desires to pursue may expect to be branded either as a "fifth columnist" or "an unwitting aide of the dictators." An attempt has been made to foreclose free and fair discussion of this question of going into war. There are some Members of Congress, however, who do not intend to be terrorized or intimidated by the prospect of the abuse which will come to them for endeavoring to pursue at least a frank and open course in this question of the Nation going to war. [Applause.]

Mr. Speaker, I ask unanimous consent to include, following my remarks, a short article by Mr. John T. Flynn, the eminent economist and writer.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The article referred to follows:

NEW YORK, December 30.—A strange report comes from Washington. It has a direct bearing on the proposal to lend merchant ships and warships to Britain.

The report is that Britain has not been able to get enough men to form crews for the destroyers—the 50 destroyers—we have already traded to Britain. Several of these destroyers, we are told, have not yet been put into service because of the lack of crews.

This is due to the fact that England has not been able to train men fast enough to make up for the immense losses that have been sustained by the Navy and the merchant marine as the result of sinkings. Whether this report is true or not remains to be seen. We can only say it comes from a source friendly to England.

If this be true, then what will be the first consequence of lending large numbers of merchant ships and naval vessels to England? There seems little doubt that the next demand will be for men to handle them.

Thus every step we take seems to lead inevitably to the very brink of war. First, lend money to Britain. This cannot be done very well because a loan of money would be grotesque. So, following the logic of the slogan that "This is our war," we find a way around that. Therefore we say lend Britain, not money, but planes, ships, naval vessels, arms. But having gone this far, we are confronted with the proposition that these will be no good to Britain unless we can furnish the skilled men also to handle them. Will we just lend them? And will we say this is not going to war?

At least Congress should, before it takes any step along this fatal road, investigate what it is doing.

Is it a fact that any part of the destroyer fleet already sent to Britain is tied up for lack of men? Is it a fact Britain has not the skilled men to handle such ships and war vessels as we may "lend" to her? And if this is a fact, how will she use these vessels without our loan of men as well as the ships and planes?

This is so vital, so grave a step Congress must ask for unmistakable evidence, not merely the assurance of some interested propagandist. It must have facts, for it is playing with the lives and the democracy of the American people.

The truth is that the "Get into the war" groups were getting bolder every day in this country until William Allen White brought them up with a jerk with his statement. And the basis on which the war groups want us in the war is this very one of men—men in Europe when the time comes, men now where they are most needed in the skilled positions. The other reason, of course, is to create a war dictatorship to speed production.

We have set fire to a little patch of trees in the forest. It will be only a little while before the whole forest will be on fire.

ANNOUNCEMENT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I desire to announce to my Democratic colleagues that the caucus called for this afternoon at 4 o'clock will be held in the Chamber of the House of Representatives in the Capitol.

THE UNITED STATES AND THE EUROPEAN WAR

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, I dislike to find myself in opposition to views expressed by my long-time and devoted friend the gentleman from Michigan [Mr. WOODRUFF] who has just addressed the House, but there are two sides to the picture which he has been exhibiting to you, and both are hideous. We have reached the point where the road forks and must take either one branch or the other and, as sensible men, we know that both lead to a state of misery and distress, but as upstanding Americans, we must make our choice.

I grant you that pursuing the course outlined by the President may probably lead us to war, and that war would virtually bankrupt the Nation and possibly mean our coming out in some form of totalitarian state, but I get comfort out of the thought that in the building of a great Army we are creating a stabilizing influence that will bring us through as a free people, and that we will survive as a democracy.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

[Here the gavel fell.]

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 3 minutes provided he will yield for a question or two.

The SPEAKER. The Chair thinks the Chair should not entertain that request unless it is satisfactory to the gentlemen who have permission to address the House, but the Chair will put the request if it is satisfactory to the gentleman from Ohio [Mr. LEWIS], the gentleman from Michigan [Mr. HOFFMAN], the gentleman from California [Mr. VOORHIS], and the gentleman from Pennsylvania [Mr. RICH]. Is there objection to the request on the part of any of these gentlemen?

There was no objection.

The SPEAKER. Without objection, the gentleman from Georgia is recognized for 3 additional minutes.

There was no objection.

Mr. COX. Mr. Speaker, I do not want to transgress upon the time already allotted to these gentlemen; but if they have no serious objection, I would like to proceed for at least a few more minutes.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. COX. In just a moment, please.

I gladly concede that the so-called fireside message of the President may be subject to fair criticism because it was, in effect, a Presidential declaration of a will to war if war be the consequence of continued aid to England, but I understood the message as it was spoken in the only language I know; and if I had any criticism to make at all of what he said, it would be that, possibly, it amounted to some encroachment upon the prerogatives of the Congress and that it failed to tell the whole story. The President could have said a great deal more, and all of which I would have approved. I am not criticizing his message. We have committed ourselves to the proposition of extending all possible aid to England short of war, and yet I realize, and I think I know, that going further in this direction means our active participation in war.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. COX. And I know, too, that it will not be a limited affair so far as we are concerned, but that it will be a total war not only as to England but as to the United States as well.

I yield to the gentleman.

Mr. KNUTSON. What has occurred since election to have brought out the remarks made by the President in his bedside talk, or, I mean, fireside talk, Sunday?

Mr. COX. Nothing; unless it be an aroused sentiment that is spreading throughout this entire country. I think the President's message reflects the will, the wish, and the determination of the American people. [Applause.]

Mr. KNUTSON. Does the gentleman think that by our getting into the war we will more securely perpetuate democracy in this country?

Mr. COX. Well, I am not going to say that we will, but it may result—and I have the hope to believe it will result—in saving the British Empire, and in saving the British Empire we save ourselves.

Mr. KNUTSON. Has the gentleman given any thought to the danger that if we get into the war——

Mr. COX. Of course, I have.

Mr. KNUTSON. That we will have totalitarianism in this country?

Mr. COX. Of course, I have given thought to it and the thought has given me great distress. I am not overlooking the fact of what it means to our people to become involved in this war. I know, as I have said, it possibly means bankruptcy and it may mean the loss of our form of government, but I do not think so.

Mr. KNUTSON. Is the gentleman more concerned with the preservation of democracy or the preservation of the British Empire which he just mentioned a moment ago?

Mr. COX. The gentleman knows that I often differ from the President, but I think the President is here trying to save America and he believes that in saving England he makes America secure. That is what I believe.

Mr. KNUTSON. How can we save ourselves by bleeding ourselves white, such as the war will entail?

Mr. COX. We can save ourselves by helping curb the influence which, left unbridled, will enslave our people economically. We want to live a free people and are willing to war for that right.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman have 1 additional minute.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. COX. I yield to the gentlewoman.

Mrs. ROGERS of Massachusetts. I know in the last session of Congress the gentleman from Georgia was very anxious to have us given full and complete advice as to how we stood regarding national defense. He was not successful. We felt speed, more speed, was needed for our Nation's defense. I tried, as did others, to have that information given to us. I introduced a number of resolutions of inquiry for that express purpose. I know the gentleman in the next session of Congress will insist that we be given full information.

Mr. COX. I think the President should, of course, work in close cooperation with the Congress.

Mrs. ROGERS of Massachusetts. Regarding what is going on in Europe, also the Near East and the Far East and in the Western Hemisphere.

Mr. COX. I think there should be a single mind and a single thought on this whole subject.

Mr. McCORMACK. Will the gentleman yield right there?

Mr. COX. With pleasure.

Mr. McCORMACK. Of course, in making that statement the gentleman recognizes, and I am sure the gentlewoman from Massachusetts recognizes, that there are some things that are not compatible with public interest to make public.

Mr. COX. Why, of course, I do.

The SPEAKER. The time of the gentleman from Georgia has again expired.

Mr. TABER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, the trouble with the fireside chat and the thing that bothers real Americans is this: Is it a cloak to cover up the deficiencies of our production of defense supplies? Is it a cloak to cover up the deficiencies which are delaying the construction of cantonments for months and months? That is the thing that bothers real patriotic Americans. [Applause.]

[Here the gavel fell.]

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. LEWIS] is recognized for 10 minutes.

THE PANAMA CANAL

Mr. LEWIS of Ohio. Mr. Speaker, on December 21, 1940, I returned from a trip to the Panama Canal Zone, where I spent 4 days. I am sure that all of us recognize that the Panama Canal is the life line of the Nation, not only in a commercial sense but in a military and naval sense as well. With a one-ocean navy and the imminent possibility of having to face naval enemies in two oceans, the Panama Canal affords us the only means of quickly shifting our naval forces from one ocean to another to meet whichever threat is most imminent. It is therefore in a military and naval sense an absolutely vital link in our national defense.

I had previously visited the Canal before Congress had appropriated the hundreds of millions of dollars that have since been authorized or appropriated for its defense, and because I realize that the Canal is such a vital link in our chain of national defense I was anxious to see what progress has been made in its protection. I found the Canal Zone a beehive of activity, with barracks for troops being erected in many parts of the zone and defense works of many kinds in process of construction. I had hoped to see the work of defense much further advanced than it is. It will be months yet before the protective works are completed. Fortresses already existing mount 14-inch and 16-inch guns at both entrances to the Canal, and these in time of war would doubtless be supplemented by mine fields and other defense works, so that an attack by surface ships upon the Canal is practically out of the question.

The rugged terrain on both sides of the Canal for hundreds of miles, covered as it is with tropical jungles and practically completely devoid of highways, or even trails, makes a successful attack from the land almost impossible. The danger to the Canal, therefore, in my opinion, and in the opinion of the military authorities on the grounds with whom I talked, will come from an air attack which will seek to block the Canal by either destroying the locks or the dams that hold back the waters of Gatun Lake or Miraflores Lake, or both. The planes making such an attack could come from an airplane carrier protected by warships and lying several hundred miles at sea in either ocean, or the planes could come from land bases such as the island of Martinique, where a hundred American-made bombers destined for France were taken after the collapse of France last spring. The existence of those bombers at the island of Martinique consitutes a serious potential threat to the safety of the Canal.

There are also in certain Central American and South American countries landing fields for airplanes already constructed, and while no known force of bombing planes is located on any of these fields it might be possible for a potential enemy to transport planes to such fields by means of some of the commerce raiders that are now known to be at sea. It might also be possible for enemy agents to transform existing commercial airplanes into bombers for an attack upon the Canal.

Existing means for defense against an attack from the air consist first of antiaircraft batteries placed at strategic intervals throughout the Canal Zone. These batteries, however, for the most part consist of guns not of the most modern and effective type. Every battery of antiaircraft guns in the Canal Zone should consist of the very latest and best types of antiaircraft guns available. That change should be made immediately.

The other means of defense against bombing from the air is, of course, pursuit planes for the purpose of destroying or driving off an attacking fleet of bombers. In this means of defense the Canal is almost wholly lacking. It is true that there is a force of pursuit and fighter planes in the Canal Zone, but these planes are not of the latest type and their effectivenes against the latest type bombers is very doubtful. Their speed is not the speed of the latest type, and speed in the air as well as armament seems to be the determining factor of air battles. If there is one place in our whole system of national defense where we should have an overwhelming force of the most modern pursuit and fighter planes it is the Canal Zone. Congress should see to it that this vital defect in the defense of the Canal is remedied at once.

In this connection it should be stated that the fortified area around the Canal is entirely too restricted. The Canal Zone consists of a strip of land running across the Isthmus of Panama approximately 10 miles in width. For the successful operation of the Canal in peacetime that width is entirely adequate, but for the adequate protection of the Canal against attacks from the air by modern bombers that now fly at a speed of 350 miles per hour a 10-mile-wide zone is nothing. The United States should proceed immediately to acquire from the Government of Panama the right to fortify strategic points for a distance of at least 300 miles on each side of the Canal. Until this is done it cannot be said that we have adequate protection for the Canal against raids from the air. The acquisition of strategic areas for fortification in the Republic of Panama will, of course, have to be worked out with the authorities of that Republic, but it should be done immediately.

Perhaps the most serious and imminent danger to the Canal, however, is from sabotage. The Canal Zone is, of course, the crossroads of the Western Hemisphere. Upon the Canal converge all steamship lines from east to west. The ships of every nation use the Canal for transit between the oceans. At one time I counted from the air over the Canal 12 ocean steamers anchored off the Pacific end of the Canal awaiting transit and within a few minutes I was able to count an almost equal number anchored off the Atlantic end of the Canal awaiting transit in the other direction. Because it is a crossroads of the western world the population of the Canal Zone is made up of people of practically every race and nationality. In such a polyglot population it is very easy for spies and saboteurs to conceal their identities. It is not too much to say that the Canal Zone and the Panamanian territory adjacent thereto is a hotbed of international spying and intrigue and potential saboteurs. Precautions have naturally been taken by the American authorities charged with the protection of the Canal against possible acts of sabotage. High woven-wire fences surmounted by barbed wire enclose all such vital areas as the locks and dams. Constant guard is maintained both day and night in all such areas. At one time the slopes of Gatun Dam were used as a public golf links. No such use is now permitted. I was informed that only those having official business inside the forbidden areas are permitted to enter, and yet while I was there an exception was made in behalf of certain civilian unofficial guests and they were permitted to see the most secret points of certain vital areas. Doubtless no harm was done by this one exception to the general rule, as I am sure that these unofficial guests were and are loyal, patriotic, and discreet, but the disturbing thing in this instance to me was that there would be any relaxation, especially in times like these, of this most salutary precaution for the protection of the Canal. The disturbing thing is that if the precaution was relaxed in this instance it might as readily be relaxed for some other plausible but unofficial reason advanced by some clever person bent upon sabotage.

It is, of course, a credit to the Canal authorities that when it was learned by them that this exception had been made there was more or less consternation among them and on subsequent days there was no other relaxation of the rule.

Of all the dangers threatening the Canal, the military authorities in charge fear sabotage the most, and, of course, no precaution against sabotage should be omitted and no relaxa-

tion of those precautions should be permitted under any circumstances so long as the present critical situation exists in the world.

I should not close this report to Congress on what I learned at Panama without telling you of a most unfortunate situation that exists with respect to the Government of Panama. The present President of Panama is anti-American and a pro-Nazi in his sympathies. Although he has been in office but a few months he has initiated and procured the adoption of a new constitution along Nazi or Fascist lines. This constitution was approved by a vote of the people of Panama on Sunday, December 15, the day I left Cristobal. I saw the process by which this change was brought about. The polling places were tables placed on the open sidewalks. The voters formed long lines awaiting their turns to vote. There was no secrecy about the ballot. As the voter approached the table, at which the election officers appointed by the President were seated, he was asked whether he wanted to vote for or against the adoption of the constitution. A red ballot was for the adoption of the new constitution and a blue ballot against it. He made his choice known to the Government officials and was given then the ballot which he asked for. Naturally, under such a procedure, threats of reprisals against those who opposed the change in the constitution had tremendous effect and the constitution was overwhelmingly adopted.

The Panama-American, the newspaper published at the city of Panama by Hernando Arias, a former President of the Republic of Panama and a brother of the present President, carried the story while I was in Panama of the appointment by the President of a certain Dr. Brunner from Vienna, Austria, as an adviser in city planning for the Republic of Panama. The story also stated that Dr. Brunner was a member of the Nazi Party of Germany, and in addition to being an expert on city planning he was also an expert aerial photographer. It was further stated that Dr. Brunner had said in an interview that one of the first steps he expected to take in laying out a plan for the cities of Panama was to make an aerial map of the areas under discussion. The areas in question are the cities of Colon, at the Atlantic end of the Canal, which is immediately contiguous to the American city of Cristobal, built within the Canal Zone and only about 4 miles distant from the Gatun locks on the Canal, and the city of Panama, located on the Pacific side and immediately contiguous to the American city of Balboa in the Canal Zone and but 2 or 3 miles distant from the Miraflores locks on the Canal.

The evident purpose of the appointment of Dr. Brunner is to enable the Nazis to obtain aerial photographs of the Canal and the locks. The ostensible purpose of his appointment as a city planner is but the thinnest kind of camouflage for its real purpose. Anyone who has visited the Canal and who has seen the cities of Colon and Panama City can understand that there is no problem of city planning presented by either of these cities. Their populations are small, their areas for expansion are unlimited. There is no problem of crowding or of the necessity for making the most of a limited space.

The American military authorities are tremendously disturbed by the appointment of Dr. Brunner and what he proposes to do and I say to you, Mr. Speaker, that this Nazi spy must at all costs be prevented from making aerial photographs of the Panama Canal and its locks, or adjacent terrain. I sincerely trust that the officials of our Government who are entrusted with the safety of the Canal see to it that the contemplated action of Dr. Brunner shall not be taken.

I shall not be a Member of the Seventy-seventh Congress, but, Mr. Speaker, I sincerely trust that those of you who are will take whatever action is necessary to the end that this life line and vital link in our national defense shall be made impregnable. [Applause.]

The SPEAKER. Under previous order of the House, the gentleman from Michigan is recognized for 8 minutes.

SELFISHNESS OR WORSE—ARE WE SLACKERS?

Mr. HOFFMAN. Mr. Speaker, back of the war talk, behind the drive for aid to Britain, is a potent, powerful force which we seem to have ignored. It is secret, yet almost universal. All seem to have a little of it; some appear to be controlled by it. It can be described in one word—selfishness.

Workers in factories, in cantonments, on projects, and in those industries having to do with national defense, as a rule, are demanding higher wages. They are demanding pay and a half and double pay for overtime and holidays.

Unions are taking advantage of the situation to sell permits to work, which, of course, they have no right to do—a practice which is not only lawless but vicious, and which the legislative authorities seem to lack the courage to stop.

EVERYONE WANTS HIS

Industrialists and businessmen—everyone who has anything to sell—are looking for a higher price. You and I, consciously or unconsciously, perhaps, all too often are wiggling and twisting, wondering whether a real-estate speculation, a purchase of stock or bonds, or some other business transaction, carried on with the war as a background, may not return to us a profit over and above that which we ordinarily would be able to get.

This selfishness, which is characteristic of no particular group or class, which is common to all of us, has not been given the credit due it, nor has its full influence been recognized.

I have talked with farmers about the war, and far too often somewhere in the conversation, after the horrors of war and its cost and its uselessness have all been recognized, has come the question, What will the effect be on the price of farm products?

Many times businessmen seeking war orders, discussing this, that, or the other, have revealed a determination that, if money is to be spent, if profits are to be made, they intend to get their share of it.

SELFISHNESS OR SABOTAGE?

It is to be hoped that it is selfishness, or, to put it in more palatable form, a desire to improve one's condition—a laudable ambition—that is back of the present labor troubles, threats to strike, and strikes which are hindering our national-defense program.

If it is not selfishness or, as stated, a desire to better one's condition, the only other apparent cause is a desire to aid the enemy, who would prevent preparations for adequate national defense.

STRIKES HOLDING UP DELIVERY OF SHAFTING FOR NAVY

When last the House met your attention was called to the threatened strike at the Allis-Chalmers Co. plant at Milwaukee, which has under construction for the United States Navy $18,000,000 worth of turbine and shafting, and which was threatened with a strike by the C. I. O. if two A. F. of L. workers were restored to their jobs. Such a strike is an absurdity. The threat of a strike for such a reason is preposterous.

MASS PICKET LINE

Under date of December 31 we learned that at Fort Wayne, Ind., where the International Harvester Co. is working on defense orders, 3,300 employees are thrown out of work by a strike. We learned that a picket line of 2,000, including the wives of some of the strikers, has been established around the plant. Does anyone labor under the delusion that a picket line of 2,000 around a plant of that size is peaceful picketing?

THREATENED STRIKE AT FLINT, SCENE OF SIT-DOWN

Under date of January 1 and a Flint, Mich., date line we find a United Press dispatch stating that approximately 12,000 employees at Chevrolet plant No. 9, engaged in the production of motors for Army trucks, will vote next week as to whether they will go on strike.

The coming week the President will probably ask Congress for the appropriation of anywhere from one to three billion dollars for national-defense orders or for aid to Britain.

LESS MUNITIONS FOR SAME MONEY

Let us assume that $100 buys one rifle. If labor organizations so arrange it that pay and a half or double pay must be paid to the men manufacturing those rifles, it necessarily follows that $500 will not buy five rifles, but four and one-half or three and one-third or less, depending on the amount of time and a half and double time that the men work.

The extra cost to the taxpayer growing out of limited hours and time and a half and double time for overtime cannot be estimated. It runs into billions or more. It means, too, a material lessening in the quantity of matériel produced. It means, therefore, a curtailment of our defense program.

Likewise advances in the prices of material bring the same result. So, too, will the demand for excessive prices of the finished product.

WHETHER SABOTAGE OR SELFISHNESS, REMEDY NEEDED

The result is the same whether these various activities be caused by selfishness or by desire to aid our enemies or defeat our defense program.

Several remedies have been suggested. One is the outlawing of strikes. Another is the fixing of prices. Another is the drafting of industrial plants and workers.

DICTATORSHIP

It is quite certain that if our national existence is in danger there must be unity of effort. Throughout the past 8 years this administration, by teaching that employees and employers were necessarily enemies, has created a situation where drastic remedies appear to be necessary. The administration itself and through the Senate Civil Liberties Committee, the National Labor Relations Board, and various other governmental agencies, has created in the minds of businessmen and industrialists a suspicion that they will not be fairly treated. It has caused labor organizations and labor organizers to believe that the strong arm of the Government will be extended to aid them in their organizing drives, and that they will receive privileges over and above those available to other citizens.

The result is that now, in this time of at least apparent if not real emergency, we may find ourselves compelled to submit to dictatorial methods and measures.

If men are to be drafted for military service, there are many of us who can see no reason why men should not be drafted for industrial service; no reason why all should not be compelled by law to contribute the financial sinews of war for the common good.

RIGHT TO STRIKE

There are those who say the right to strike shall not be taken from labor. There are others who insist that industrial plants shall not be taken over by the Government. But again if men are to be taken from their homes, put into camps, and forced to face the enemy's guns, there would seem to be no reason why those who remain should not render service when and where and to the extent necessary for the preservation of our Government.

UNITY

We should all be riding in the same boat together and, if it can stem the tide and, by the efforts of all, reach a safe port, well and good. If, on the other hand, it is to be swept over the falls, then all should go down together.

DICTATORSHIP BY THE PEOPLE

Advocating a dictatorship, you say? If that be necessary. But let it be a dictatorship, not of the executive branch, not a dictatorship imposed by a President, for he has no such authority and he should be impeached if he tries to impose one—but of the people, through their representatives; a dictatorship for the people.

Let whatever measures are necessary for the preservation of our union originate and be made law by the people's representatives, the Congress of the United States.

CONGRESS LAYING DOWN ON THE JOB

Too long has Congress ignored the situation, refused to act. Certainly the destiny of our Nation does not rest in the hands of one man. If we refuse to deal with the situation in this coming Congress and to do it promptly and effectively; if we fail to enact and put into force the legislation necessary to give us adequate national preparedness, to meet danger from without and from within, then by our inaction we acknowledge our incompetency or our lack of courage, and we should resign our offices and let the people select representatives equal to the task which confronts the Nation. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD a radio speech by our colleague the gentlewoman from Ohio [Mrs. BOLTON].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Under special order previously made, the gentleman from California [Mr. VOORHIS] is recognized for 10 minutes.

THE FEDERAL RESERVE SYSTEM

Mr. VOORHIS of California. Mr. Speaker, I thought today, when a number of special orders were asked for, that most of the Members who asked for those special orders were going to discuss the so-called report of the Federal Reserve Board, to which the gentleman from Mississippi [Mr. RANKIN] and the gentleman from Texas [Mr. PATMAN] made reference. Since that has not taken place and since this is a matter which calls for most careful thought on the part of every Member of Congress, I do not propose to say most of the things I had asked for this time to say. I do want to say one or two things, however.

And first let me say that if the Federal Reserve Board were, as it ought to be, an agent of Congress controlling the monetary system of this Nation through a public institution and solely in the public interest, we could view this matter differently from what we can do at present. For at present the Board, though appointed by the President, runs an essentially private business. The 12 central Federal Reserve banks are owned completely by the private member banks of the System, and increases in the Board's powers therefore will always be likewise increases in the power of those privately owned banks until we do what should have been done in the first place, namely, make the 12 central Federal Reserve banks the property of the people of the United States.

Turning to the Board's recommendations, I certainly think we have got to consider the many problems connected with our present monetary system. There should be adequate means in someone's hands of preventing inflation. But from the standpoint of conditions at present, I believe strongly that the Board's proposition is premature. The price level at present is not yet back to 80 percent of the price level of 1926. We are very far from full employment as yet. I do not understand why we should get in such a panic every time there is danger of our getting full employment and restoring the price level for basic commodities, but do not correspondingly get excited when a deflation takes place which deprives real wealth of a great proportion of its value with reference to money and causes loss of employment and foreclosure of farms.

I think that one of our difficulties is that we are the victims of what Prof. Irving Fisher calls the "money illusion." We think that property rises and falls in value. We think, for example, that there is less nourishment in the crops you get off the farm in one period than in another, and so with other real wealth, when as a matter of fact, what happens is not that real wealth is worth more or less but that the volume of money is contracted or expanded, and thus each dollar changes in its value relative to real wealth. It is a strange thing that whenever real wealth is rising in value and the dollar declining in purchasing power there is general alarm and concern, whereas when the dollar is becoming dearer and real wealth declining in dollar value, we think a very salutary process is taking place and that somehow we are being punished for some mysterious past misdeeds.

The truth is, of course, that inflation and deflation are both evils to be avoided like the plague, but if one is worse than the other for the people generally and their industry it certainly is deflation.

Mr. RANKIN. Mr. Speaker, now will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. RANKIN. Farm prices are about 50 percent of what they were in 1926. At that time cotton was 22 cents a pound; now it is around 10 cents or less. I think if the gentleman will investigate, he will find that the price of wheat at that

time was $1.50 or $1.75 a bushel, whereas today it is probably down to 70 cents.

Mr. VOORHIS of California. That is true, and I am thankful to the gentleman from Mississippi for his contribution, for it strengthens the point I was trying to make.

I should like to warn that these proposals of the Board are illustrative of many, many things and food for much more thought than appears on the surface, and they will require the most careful study of every one of us. I do not propose to try to make an exhaustive speech, obviously, on so important a subject today. I do want to point out, however, that the Board's recommendations propose that the power of the President to issue $3,000,000,000 of money should be revoked. Why? Basically, because the Board knows, as does everyone else, that the putting of that money into circulation would increase reserves in the banks and thus increase the chance of bank credit inflation at some future time. For every single one of those banks has power to create credit on the basis of fractional cash reserves according to our present law.

As it is, therefore, there would be a multiple expansion, for so long as the fractional reserve system exists the banks themselves can exercise what should be the sovereign right of Congress to create money which the Constitution says belongs to Congress, and to it alone. So the Board wants to take this power from the President mainly, I think, because this money-creating power is exercised by the private banking system.

Mr. RANKIN. Mr. Speaker, will the gentleman yield further?

Mr. VOORHIS of California. I yield.

Mr. RANKIN. Let me say to the gentleman from California that this power in the hands of the President to issue $3,000,000,000 of currency is the greatest club that could be placed in the hands of the President to forestall such a panic as the Federal Reserve System brought about in 1920.

Mr. VOORHIS of California. I am inclined to believe that it may have operated that way.

To further illustrate my point and to show why the Board asks for power to increase reserve requirements, as well as for abolition of the President's authority, let me point out that the Board has asked that no more Treasury bonds be sold to banks, but that they be sold to individuals and corporations instead. Here again the reason is that if such Treasury bonds are sold to banks the banks create new money in the form of deposits to buy them with.

In this connection I read the last paragraph of an Associated Press article on the subject:

> Experts explained that when a bank buys a Treasury bond the Treasury spends the proceeds, the recipients deposit the money, and this tends to double the volume of bank deposits. However, if an individual or corporation buys the bond, he must first withdraw money from a bank to pay for the security, and this offsets the new deposits to be made by persons receiving Treasury cash.

That is just what I have been saying all these years, but the article is a little ambiguous, as most of these articles are. The point is that when a bank buys a Government bond it simultaneously creates a deposit with which to buy the bond, thus creating in each private bank in effect a little mint. Then the bond becomes security for the deposit and can, in fact, be used as collateral for an issue of Federal Reserve notes. The Board proposes that bonds be not sold to banks because it does not want an expansion of the money. It suggests sales to individuals and corporations. I would point out, however, that, although in such a case the individual or the nonfinancial corporation cannot, of course, create money to buy the bond with and must originally draw from a deposit or supply cash with which to make the purchase, nevertheless, as long as we permit Government bonds to be used as collateral for Federal Reserve notes and leave the fractional reserve system in effect, the purchaser of a bond can take it to a bank and borrow against the bond and the bank can make the loan out of a newly created deposit.

The only point I want to stress at the moment is that with various monetary powers existing in the Federal Reserve System, the President, the Secretary of the Treasury, and every private bank in this country you have a complex and jumbled pattern of attempted control over your monetary system that simply cannot work effectively. It seems to me that what the Board should propose, instead of withdrawal of this one power from the President, is a clear-cut establishment of a 100-percent safe, 100-percent workable, 100-percent controllable monetary system by establishing over a reasonable period of time dollar-for-dollar reserves behind demand deposits. It is, in my opinion, a very difficult thing for many of the smaller banks to be confronted from time to time with changes in reserve requirements. I am convinced they would be better off if we provided now the means of enabling and requiring all banks to establish 100-percent reserves. This could be done under present circumstances without any disturbing effect, for the volume of excess and required reserves, plus the Government bond holdings of the banks, are, in my opinion, very close to the total of their demand deposits. Certain things would have to be done, of course, to assist the banks in covering their deposits. It would simply mean that there would have to be sufficient cash to cover those demand deposits, but it could be done without harm. Earnest and careful consideration should be given to this 100 percent reserve proposition. And I should like to add that if the banks are permitted to count Government bonds as part of their reserves, and if gradually as the bonds mature they are redeemed or retired simply by replacing them with new cash for reserves, then, in effect, we will have provided for orderly and easy retirement of a great portion of the public debt. Nor could the slightest inflation take place when the new money was created to retire the bonds for the cash would simply replace the bonds as part of legal reserves.

If we have finally come to the place where we really desire to solve this problem, then, in my judgment, what we have got to come to is the setting up of an agency, one agency under the direct control of the Congress of the United States, to exercise in an orderly fashion and according to definite congressional mandate the central economic function of maintaining a dollar of stable purchasing power in the United States. If we would view the whole problem from this standpoint, then, for the first time, it seems to me we would get a better and clearer understanding of these most difficult matters that are so often brought to our attention, and we might arrive at a monetary system which would not only be completely dependable but would make possible continuous expansion of production without periodic inflation and deflation.

Mr. Speaker, I should like to conclude by saying that as far as the Board's recommendation regarding taxes is concerned, it seems to be clear that we will have to have higher taxes, that they should be raised gradually, that they should be raised until the Budget is ultimately balanced, and I am in fundamental agreement with that. However, I would stress that the all-important matter from that standpoint is an increase in the production of wealth and an increase of employment in order to bring about a situation where we are operating our economy on the basis of full production of wealth, because unless we do that first the tax revenues will not be forthcoming. So I come back to where I started from and say I do not believe that any deflationary influences should be put into effect, at least not until such time as we have every man at work and every factory working at full capacity.

[Here the gavel fell.]

The SPEAKER. Under a previous order of the House the gentleman from Pennsylvania [Mr. RICH] is recognized for 6 minutes.

WELFARE OF NATION

Mr. RICH. Mr. Speaker, a happy New Year to all. [Applause.]

Mr. Speaker, when the majority leader makes the motion that the House do now adjourn and the Speaker's gavel falls, that will be the end of the Seventy-sixth Congress. That will be the first time in history that a Congress has adjourned because it outlived its time, or because it died for lack of more time. It has run the length of days allotted by law. In the year 1940, a continuous session of 366 days.

We ought to consider whether the Congress that adjourns today and dies tomorrow at 12 o'clock noon a natural death,

a Congress that has not adjourned sine die, has been a good Congress. Are you satisfied with all the things you did during the Seventy-sixth Congress, This is a question that ought to be considered very seriously by every Member of the House so that he will not do something during the Seventy-seventh Congress that he was dissatisfied with during the Seventy-sixth. A good time to make a New Year's resolution.

When I came in here today a couple of Members of the House, and I do not know whether they did this seriously or in jest, asked me the question whether I was going to ask the House, Where are you going to get the money? So far as I am concerned, I did not make any New Year's resolution that I would not ask that question during the next session of the Congress. I believe it is a serious question and one which needs the earnest consideration of good statesmen and the very greatest consideration should be given to that particular question by every Member of the House of Representatives, not simply as a monetary proposition, but from the standpoint of the welfare and the good of America. To me it is an essential question, a difficult question to answer. However, a most important question.

Mr. Speaker, when I think of the exorbitant expenditures of the last session, not only for the routine operation of the Government, but the expenditures that have been requested for national defense, it causes me to shudder and ask myself whether we have done the right thing for the perpetuation of American ideals, the perpetuation of the form of government which we enjoy, and for the perpetuation of the good that may accrue to our children and our children's children for all time.

Mr. RANKIN. Will the gentleman yield?

Mr. RICH. Just for a question.

Mr. RANKIN. The gentleman asked, Where are you going to get the money? Where would the gentleman suggest we get the money? I would like him to discuss that matter.

Mr. RICH. That is a question I can answer very quickly for the most part. I would say, economize in the expenditure of Government funds. I will take the floor at some time in the future to explain that more fully. I have done so in the past many, many times on the floor of the House. I will continue to do so for 2 more years, the Lord being my helper. I asked for this time today not because I want to take a few minutes during the closing hours of this session of Congress, but because I have in my heart and in my mind the great benefit that it means to this country to do just that.

We have talked a lot during the past 2 or 3 years—that is American neutrality and keep America out of war. The very first question that will be brought up during the first session of the Seventy-seventh Congress will be national defense. What for? For the protection of whom? Why, the American people. I am interested in the protection of the American people because I believe in America, and I believe in the American form of government more than I believe in any other people on the face of the earth. I want to do everything I can to preserve our ideals. But when we talk about neutrality, and then hear the fireside chat which we heard on Sunday, a day given over to religious worship, and when I think that the President of the United States chose that time to talk about what is essential for our benefit to protect this country in case of war, in my opinion that was an ill-chosen time.

Then we heard the request for aid to Great Britain on Sunday night. What kind of aid? Was it for food, clothing, and things to make the people happy and contented? No; sorry to say, it was for cannon, tanks, powder, dynamite, submarines, war vessels, TNT—anything that will kill, murder, shoot, annihilate. Where is our good-neighbor policy? Where is the Golden Rule—"Do unto others as ye would that men should do unto you"—exemplified in war? War is hell as it is conducted in Europe today. Hell on earth for those people engaged in it. I quite agree with Senator WHEELER, of Montana, that we should offer all aid and assistance to try to settle the differences if it can be done by arbitration, by peaceful methods, by kindness, before we commit acts of war that will bring trouble, that will bring hardships, anguish, and destruction to our American Government and desperation to our American people. God grant that we be kept from such hell on earth as the aerial warfare now being conducted in Europe.

Let us try, first, to stop the war. Do not try to get into war. Do not let war prosperity fool us into thinking it is good for American business, American jobs. It is anything but that, as time will only reveal. Do not let it fool you into thinking it will cover up the errors of the past 10 years and that they will be forgotten. To get into war will wreck America forever and set up a dictatorship absolute. Stop un-American activities by placing any person who would destroy our Government that may be in our midst in concentration camps, and do it at once. Do not procrastinate.

When I heard the gentleman from Georgia [Mr. Cox], a few moments ago, make the statement that, in effect, the President's fireside chat, and I quote, "was a Presidential declaration of war," I say that we are confronted at the present time with a serious situation. I say we do not want any Presidential declaration of war. You should not permit it. You have been elected by your people to do your duty to them and to this country sincerely and fearlessly. You should not be persuaded by anybody but your own conscience and by the constituents you represent. I have many constituents in my district who say, "Loan, lend, spend, and do everything you can to help somebody else," but I say my first obligation, my first duty, and my first principle is to protect and defend America and have our own defenses prepared before we give anything away to some foreign country.

Mr. Speaker, now that we are about to adjourn, this Congress ought to reflect on what it did during the past 2 years and resolve that those things it does in the future will be for the benefit of our country, our people, and our flag. God save America! Give us peace, happiness, and love for all mankind. Guide our every act and deed for the good of all is my prayer. I now adjourn this Congress, so far as I am concerned, sine die.

[Here the gavel fell.]

MINORITY VIEWS OF HOUSE COMMITTEE INVESTIGATING THE LABOR BOARD AND WAGNER ACT

Mr. HEALEY. Mr. Speaker, in behalf of the gentleman from Utah, Congressman MURDOCK, and myself the minority members of the House Committee Investigating the Labor Board and Wagner Act, I had intended to request special permission from this House to prepare and issue a detailed report after the close of this session. This was made necessary by the action of the majority in filing a voluminous report only 4 days ago. Of course, we are not in accord with all of the views expressed in the majority report. I understand, however, that under the rules we cannot be permitted to file our report after midnight tonight. I ask unanimous consent, therefore, that the minority members of this committee may have until midnight tonight to file our minority views, which must, because of these circumstances, be expressed in summary fashion. It is our intention, however, to make known in detail our conclusions with respect to the investigation of this committee, although this future report must necessarily lack formal status.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? There is no objection.

EXTENSION OF REMARKS

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein an article I have written for a magazine.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE UNITED STATES AND THE EUROPEAN WAR

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I have asked for this time in order to reply very briefly to the statement made by the gentleman from Georgia [Mr. Cox] in his interpretation of the Presi-

dent's fireside chat. He said very frankly on the floor of the House that he interpreted it as a Presidential declaration of war. I listened to that fireside address, and I approve of it. I believe the President made one of the soundest and most forceful addresses he has ever made to the American people. I do not interpret any part of the President's radio speech as a declaration of war. Nothing he said in that address could possibly be construed as asking this country to go to war.

The President very properly served notice upon the dictator nations, upon the Axis Powers, that we would continue with our own American foreign policy regardless of threats from them. I interpret it to be sound American doctrine when he said that we would continue to aid Great Britain short of war, that we would provide more than we have in the past, that we would increase our production, and that we would give additional priority to Great Britain, all of which is short of war, short of war under our own law, under international law, and under the Constitution.

As the President well pointed out, Sweden and Soviet Russia have been supplying Germany with arms and ammunition during this war, and for years Germany has likewise been supplying belligerent nations with arms, ammunition, and airplanes—all of which is under and within well-recognized principles of international law.

If the gentleman from Georgia wants to raise the issue of war or peace, then let us raise it right now, but openly and aboveboard. Ninety percent of the American people are opposed to our entrance into a war unless we are attacked. On the other hand, 90 percent are in favor of aid to Great Britain short of war, but they are not in favor of aid to Great Britain when it means short cuts to war, or where it means short of peace.

In the next Congress there will be one great issue that will transcend all party lines—that will be greater than any political party or both parties combined—because it affects the security and destiny of America and the safety of its people. This issue will be, Shall we participate in this war or shall we stay out? If the Members of Congress represent their constituents, 90 percent of whom want us to stay out of war, they will not vote for war in the next Congress; but if we listen to the siren, warlike voices of the 10 percent and of the big international press of the East and those who are urging by every possible means, not measures short of war but short cuts to war, then we will be in the war in the next Congress. After all, we of Congress are the ones who must decide, with the advice of our constituents back home, whether or not we will be involved.

I agree, however, with the remarks of the gentleman from Georgia [Mr. Cox] when he said, and properly so, that there is no such thing as a half-way war. If we are involved in war, it will be a total war—a war on all continents. Millions of American soldiers will be sent to the battlefields of China, Africa, and Europe. I know no other kind of war. If war is declared by Congress, then I expect to enlist. I hope to serve if war is declared, but God forbid that we become involved. I know no other way to fight or to wage war except to final victory. That means a total war, no matter what the expense, whether it is $200,000,000,000 or whether it takes a million lives. I predict that if we are involved in a war, it may mean that children yet unborn may be fighting in that war, and that the lives of millions of American soldiers will be sacrificed on many foreign battlefields—in Europe, in China, and in Africa.

So before we decide this issue of war or peace, I want to state that I believe that the speech of the President was sound American doctrine, asking for nothing more than aid to Britain short of war. But if he should ask the Congress for a modification of the Neutrality Act to permit our ships to go on the high seas into the war zones and to escort or convoy British ships, then everybody knows that would be virtually an act of war, as our ships will be torpedoed and we will then be in the war within a few months' time. However, the President made no such suggestion. I take this opportunity to contradict the interpretation made on the President's speech by the gentleman from Georgia, and I believe the next Congress will reflect the opinion of the American people and keep this country out of war. [Applause.]

[Here the gavel fell.]

GENERAL LEAVE TO EXTEND REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members be granted until midnight tonight to extend their own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain remarks made at the celebration of Pan American Aviation Day.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 7965. An act for the relief of Mr. and Mrs. T. G. Ramsey;

H. R. 10712. An act to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.; and

H. J. Res. 623. Joint resolution to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills and a joint resolution of the House of the following titles:

H. R. 7965. An act for the relief of Mr. and Mrs. T. G. Ramsey.

H. R. 10712. An act to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.

H. J. Res. 623. Joint Resolution to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 4085. An act for the relief of Max von der Porten and his wife Charlotte von der Porten;

S. 4227. An act for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch; and

S. 4415. An act to amend the act entitled "An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof," approved June 25, 1910.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 30 minutes p. m.) the House adjourned.

APPROVAL OF HOUSE BILLS AND JOINT RESOLUTION SUBSEQUENT TO FINAL ADJOURNMENT

The President of the United States, subsequent to the final adjournment of the third session of the Seventy-sixth Congress, notified the Clerk of the House of Representatives that on the following dates he approved and signed bills and a joint resolution of the House of the following titles:

December 30, 1940:

H. R. 8665. An act to provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis.

January 7, 1941:

H. R. 7965. An act for the relief of Mr. and Mrs. T. G. Ramsey.

H. R. 10098. An act to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce' approved February 4, 1887, as amended, and for other purposes", approved February 28, 1920.

H. R. 10712. An act to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.

January 9, 1941:

H. J. Res. 623. Joint Resolution to extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

MESSAGE FROM THE SENATE SUBSEQUENT TO FINAL ADJOURNMENT

The Secretary of the Senate, subsequent to the final adjournment of the third session of the Seventy-sixth Congress, notified the Clerk of the House of Representatives that the President of the United States had informed him that on January 3, 1941, he approved and signed bills of the Senate of the following titles:

S. 4227. An act for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch.

S. 4415. An act to amend the act entitled "An act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof", approved June 25, 1910.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2087. A letter from the Secretary of War, transmitting a report of awards made in accordance with the act of March 5, 1940; to the Committee on Military Affairs.

2088. A letter from the Secretary of War, transmitting a report of awards made in accordance with provisions of the act of March 5, 1940; to the Committee on Military Affairs.

2089. A letter from the Acting Secretary of the Interior, transmitting a report pursuant to section 3 (c) of the amendatory Helium Act approved September 1, 1937 (50 Stat. 885), showing the amount of moneys credited to such helium-production fund and the amount of disbursements made therefrom during the preceding fiscal year, and the unexpended and unobligated balances on hand in such fund as of the end of the fiscal year ended June 30, 1940; to the Committee on Military Affairs.

2090. A letter from the Acting Secretary of the Interior, transmitting a report covering the fiscal year 1940 for the National Park Trust Fund Board; to the Committee on the Public Lands.

2091. A letter from the Acting Secretary of the Treasury, transmitting an itemized report of transactions for account of the Pershing Hall memorial fund; to the Committee on Expenditures in the Executive Departments.

2092. A letter from the Chairman of the Board of Governors of the Federal Reserve System, transmitting a special report to Congress by the Board of Governors of the Federal Reserve System, the presidents of the Federal Reserve banks, and the Federal Advisory Council; to the Committee on Banking and Currency.

2093. A letter from the Chairman, Federal Trade Commission, transmitting the Twenty-sixth Annual Report of the Federal Trade Commission for the fiscal year ended June 30, 1940; to the Committee on Interstate and Foreign Commerce.

2094. A letter from the President, Electric Home and Farm Authority, transmitting the fifth annual report, covering operations from July 1, 1939, to June 30, 1940, inclusive; to the Committee on Banking and Currency.

2095. A letter from the chairman of the board for the board of directors, Tennessee Valley Authority, transmitting a report of expenditures for the 12 months ended November 30, 1940, of funds derived from the sale of bonds under section 15c of the Tennessee Valley Authority Act of 1933, as amended; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HEALEY: Special Committee to Investigate the National Labor Relations Board. Part II, minority views on House Resolution 258. Resolution creating a select committee to investigate the National Labor Relations Board (Rept. No. 3109). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Select Committee to Investigate Campaign Expenditures. Report pursuant to House Resolution 344. Resolution providing for the appointment of a special committee of the House of Representatives to investigate the campaign expenditures of the various candidates for the House of Representatives, and for other purposes (Rept. No. 3110). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Maryland: Committee on Interstate and Foreign Commerce. Report pursuant to House Resolution 290. Resolution authorizing the Committee on Interstate and Foreign Commerce to conduct an investigation of the petroleum industry (Rept. No. 3111). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBERTSON: Select Committee on Conservation of Wildlife Resources. Report pursuant to House Resolution 65. Resolution authorizing the Special Committee on Wildlife Conservation, appointed under authority of House Resolution 237, Seventy-third Congress, continued under authority of House Resolution 44, Seventy-fourth Congress, and House Resolution 11, Seventy-fifth Congress, to continue its investigations during the Seventy-sixth Congress (Rept. No. 3112). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOLAN: Select Committee to Investigate the Interstate Migrations of Destitute Citizens. Report pursuant to House Resolution 63. Resolution authorizing a select committee to investigate the interstate migration of destitute citizens (Rept. No. 3113). Referred to the Committee of the Whole House on the state of the Union.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9425. By the SPEAKER: Petition of the Portland Association of Technical Engineers and Architects, Portland, Oreg., urging consideration of their resolution with reference to bills S. 4390, H. R. 10584, and H. R. 10586; to the Committee on Rivers and Harbors.

9426. Also, petition of the National Seaway Council, Washington, D. C., urging consideration of their resolution with reference to the St. Lawrence seaway and navigation and power project; to the Committee on Foreign Affairs.

SENATE

FRIDAY, JANUARY 3, 1941

(Legislative day of Tuesday, November 19, 1940)

The Senate met in its Chamber at 11:30 o'clock a. m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, Creator of all things visible and invisible, who art without beginning or end of days: Into Thy holy keeping we commit ourselves this day as the sum of our endeavors in this momentous period of time is completed. Do Thou bless and strengthen all that hath been ably done; pardon whatever hath been left undone or done amiss and grant, as we stand upon the threshold of a new emprise, that